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# 1999 Illinois Register

## Rules of Governmental Agencies

Volume 23, Issue 30 — July 23, 1999

Pages 8,328 – 8,543

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Administrative Code Div.
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Secretary of State

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

| Issue # | Copy Due by 4:30 p.m. | Publication Date | Issue # | Copy Due by 4:30 p.m. | Publication Date |
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| Issue 1 | December 21, 1998 | January 4, 1999 * | Issue 28 | June 28 | July 9 |
| Issue 2 | December 28 | January 8 | Issue 29 | July 6 *** | July 16 |
| Issue 3 | January 4, 1999 | January 15 | Issue 30 | July 12 | July 23 |
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| Issue 27 | June 21 | July 2 | Issue 1 | December 27 | January 7, 2000 |

* Monday following a state holiday.
** Tuesday following a state holiday.
*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

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July 1999 – 650 – GA-83

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 153.100 | Amendment |
| 153.125 | Amendment |

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 91-0020, Public Act 91-0024 and Senate Bill 965

5) Complete Description of the Subjects and Issues Involved: These proposed amendments regarding long term care reimbursement provide several changes as required by Public Act 91-0020, Public Act 91-0024 and Senate Bill 965.

Proposed changes to Section 153.100 apply to residential facilities with 16 or fewer beds for persons with developmental disabilities (ICF/MR-16). As specified by Senate Bill 965, these amendments allow for changes in the active treatment rate component to reflect an increase of 13 hours of base nursing, for nurse supervision and for administration of medication by authorized direct care staff. Appropriations under Public Act 91-0020 will allow for implementation of these changes for services provided on or after January 1, 2000. These proposed changes are expected to result in a budgetary increase of $1.2 million during fiscal year 2000 for the Department of Human Services.

Additionally, proposed amendments pertaining to Section 153.125 will allow for an increase in nursing facility (SNF/ICF) rates amounting to $4.00 per resident day for services delivered on or after October 1, 1999. These changes for nursing facility rates are required under Public Act 91-0024. The Department anticipates a budgetary increase of $56.3 million for fiscal year 2000 as a result of these changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|---|---|---|
| 153.100 | Amendment | 23 Ill. Reg. 7843 (July 16, 1999) |
| 153.125 | Amendment | 23 Ill. Reg. 7843 (July 16, 1999) |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones, Bureau of Rules
Illinois Department of Public Aid
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62763-0002
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments at the Illinois Department of Human Services' local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, and the Office of the Secretary, Illinois Department of Human Services, both located at 401 South Clinton, Seventh Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities, including SNF/ICF and ICF/MR facilities will be affected by this rulemaking. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

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B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustment
153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; amended at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

**Section 153.100 Reimbursement for Long Term Care Services**

a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.

b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.

c) Capital and support rates in effect on January 18, 1994, will be

DEPARTMENT OF PUBLIC AID

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adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.

d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).

e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.

f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).

g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).

h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC, need not be met. The written request must contain documentation supporting the change in Medicaid census.

i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.

j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.

k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.

l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but can still be affected by the provisions of subsection (d) of this Section.

m) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the geographic area in which the home is located.

n) If a non-profit facility changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the geographic area median tax rate in effect for the month in which the real estate tax becomes effective.

o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).

p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.

q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility meeting all criteria specified in 89 Ill. Adm. Code 147.300 through 147.345.

r) The flat per diem paid to ICFs/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 144.275 and 144.300 will be increased from $.30 to $.40.

s) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.

t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.

u) The add-on to the final nursing rate for care planning identified in 89 Ill. Adm. Code 147.205 will be increased from $.35 to $.45.

v) Long term care facilities that have been assigned a median tax rate on the basis of geographic area in accordance with 89 Ill. Adm. Code 140.560(b) and subsections (m) and (n) of this Section shall subsequently have those rates recalculated based upon the first full tax bill received by that facility. The revised rate will be the greater of the recalculated rate or the rate in effect from the aforementioned Section and subsections. Rates revised in accordance with this subsection shall result in payments retroactive to July 1, 1997, for those facilities whose first full tax bill is received by



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the Department no later than September 30, 1998. Rates for facilities whose first full tax bill is received after September 30, 1998, will be effective on the date the Department receives the first full tax bill. In order to calculate the potential tax rate, the real estate tax from the first full tax bill for the long term care property will be divided by the greater of the annualized capital days (see 89 Ill. Adm. Code 140.570(b)(3)) from the cost report used to calculate the remainder of the capital rate in accordance with 89 Ill. Adm. Code 140.570 through 140.574, or 93 percent of annualized bed days based upon the number of licensed beds available at the end of the period covered by the tax bill. No inflation factor will be used for this calculation.

w) For an ICF/MR with 16 or fewer licensed beds, rate changes may be made in the program active treatment rate component to reflect an increase of 13 hours of base nursing services, for nurse supervision and for administration of medication by unlicensed direct service staff, effective for services provided on or after January 1, 2000.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

**Section 153.125 Long Term Care Facility Rate Adjustment**

a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.

b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and day training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, $1.10 shall also be added to the nursing component of the rate.

c) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by $4.00 per resident day for services provided on or after October 1, 1999.

(Source: Amended at 23 Ill. Reg. _____, effective _____)



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Certificate of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3)

| Section Number: | Proposed Action: |
|---|---|
| 1010.420 | Amendment |
| 1010.421 | Amendment |
| 1010.422 | New |
| 1010.423 | New |

4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and Ch. 3]

5) A Complete Description of the Subjects and Issues Involved: Section 3-407(a) provides that the design, color, and format of the temporary permit shall be wholly within the discretion of the Secretary of State. Addition of Sections 1010.422 and 1010.423 reflect the changes to the design, color, and format of the new temporary permit scheduled for implementation by October 1, 1999. Amendment of Sections 1010.420 and 1010.421 reflects the fact that there will be Temporary Registration Permits on the road which are different in design, color, and format than the new Temporary Registration Permit that would be issued prior to October 1, 1999 but that would not expire until some time after October 1, 1999.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other amendments pending on this part? No

10) Statement of Statewide Policy Objectives: The creation of the new Temporary Registration Permit is an asset to law enforcement for their protection and safety as well as protection to the public and their property. The new Temporary Registration Permit will aid in eliminating fictitious vehicle registrations and help avoid misuse and abuse by individuals who do not want to properly register their vehicles or who are trying to elude law enforcement. The automation of registering the applicant and vehicle will shorten the amount of time currently spent on registering information and shorten the turn around time for the applicant to receive a permanent vehicle license plate. The agent/issuer of the new TRP will be held to a higher level accountability than in the past in order to help eliminate misuse and abuse of he Temporary Registration Permit.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Cynthia J. Wood, Assistant General Counsel
100 W. Randolph, 5th Floor
Chicago, Illinois 60601
312/814-2360
cwood@ccgate.sos.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking may affect currency exchanges, licensed vehicle dealers, and remittance agents that issue temporary registration permits for vehicles. Moreover, law enforcement throughout the State will be provided with enhanced capability to ascertain vehicle registration information in a timely fashion resulting in greater protection and safety for them.

B) Reporting, bookkeeping or other procedures required for compliance: The new Temporary Registration Permit will resemble a metal license plate in terms of size and dimension but be constructed of plastic. It will attach to the vehicle in the same fashion as a permanent license plate. Additionally, vehicle stickers will be issued and placed on the new Temporary Registration Plate identifying the date of issuance. There will be different types of stickers depending upon whether the vehicle is an automobile or a truck. Additionally, the issuer/agent of the new Temporary Registration Permits will be required to complete different registration documents and issuance logsheets and then communicate the registration information to the Office of the Secretary of State either by telephone or computer.

C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: The previous Administration did not submit a Regulatory Agenda for this particular issue.

The full text of the Proposed Amendment begins on the next page.



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner--Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate-Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate-Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles - Defined
1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Document - Bond

SUBPART C: REGISTRATION

Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration-Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles

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1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration-Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois Issued Prior to October 1, 1999
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State Issued Prior to October 1, 1999
1010.422 Temporary Permit Pending Registration In Illinois Issued After October 1, 1999
1010.423 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State Issued After October 1, 1999
1010.425 Non-Resident Drive-Away Permits
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1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
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1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
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1010.470 Dealer Plate Records
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1010.530 Circuit Breaker Registration Discount
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SUBPART G: MISCELLANEOUS

Section



SECRETARY OF STATE

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1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
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1010.725 Trip Leasing
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1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at

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10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART E: SPECIAL PERMITS AND PLATES

**Section 1010.420 Temporary Permit Pending Registration In Illinois Issued Prior to October 1, 1999**

a) General Provisions
   1) For the purpose of this Part, Illinois Temporary Registration Permit (~~hereinafter referred to as~~ Temporary Permit) shall refer to a temporary card, issued or provided by the Secretary of State, that ~~which~~ allows the operation of a vehicle after proper application has been made and fees received, until the receipt of registration plates and/or sticker.
   2) The Secretary of State shall prescribe the form and content of the Temporary Permit. The Secretary of State shall issue the Temporary Permit and no other document shall be deemed a valid Temporary Permit. This provision shall in no way be construed as restricting the provisions of Section 3-401 of the Illinois Vehicle Code.
   3) The Temporary Permit shall not be valid for more than 60 days (90 days for vanity and personalized plates) from the date of issuance, unless extended or reduced at the discretion of the Secretary of State. In exercising that discretion, the Secretary of State shall take into consideration the following factors:
      A) The nature and type of application;
      B) The availability of the registration plates and/or stickers applied for;
      C) The processing time for the application;
      D) Other relevant matters affecting the issuance of the plates/stickers ~~thereof~~.

   In any event, once the applied-for registration plates and/or stickers have been issued to and received by the applicant, the Temporary Permit is void.
   4) The Temporary Permit must be displayed on the vehicle for which it is issued as follows:
      A) The Temporary Permit may be displayed in the lower left corner of the back window;
      B) The Temporary Permit may be displayed in the lower left corner of the front window;
      C) The Temporary Permit may be displayed in the lower right corner of the front window.

   The Temporary Permit must be removed upon receipt of the registration plates and/or sticker. The Temporary Permit is not transferable from one person to another, nor from vehicle to vehicle.

b) Newly Acquired Vehicles
   A Temporary Permit to operate a newly acquired vehicle for which a valid application for title and registration has been filed, accompanied with the proper fees, may be issued by or for the Secretary of State to the buyer of the ~~such~~ vehicle, pending action upon the ~~said~~ application.

c) Renewal Registrations
   In the event that an individual fails to renew a registration plate or sticker upon expiration, a Temporary Permit may be issued only by a Secretary of State facility, or remittance agent, and only under the following circumstances:
   1) The applicant presents proof of ownership of the vehicle through a title, preprinted application or ~~,~~ I.D. Card, or through verification of those documents ~~some~~ by the records of the Secretary of State.
   2) The applicant presents payment of all fees due.
   3) The renewal registration plates and/or stickers are not readily available at a financial institution, as defined in Section 1010.240 of this Part.
   4) The appropriate registration stickers or registration plates are not immediately available at a facility.

d) Miscellaneous Provisions
   The Secretary of State may also issue Temporary Permits only at official State of Illinois facilities in any of the following situations:
   1) If an individual has made application for registration, either renewal or otherwise, prior to expiration and does not receive the registration by the expiration date. The individual must present proof thereof acceptable to the Secretary of State;
   2) Any situation where the individual makes proper application for title and registration, or registration alone, and the Secretary of State is unable to issue the appropriate registration at that time.



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(Source: Amended at 23 Ill. Reg. _____, effective _____)

**Section 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State Issued Prior to October 1, 1999**

a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may issue, upon request, blank Temporary Permits to the following for completion by them:
   1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any dealer or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All dealers shall maintain records of all Temporary Permits issued as prescribed in Section 5-401.2 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a dealer's license under Section 5-501 of the Illinois Vehicle Code.
   2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any remittance agent or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All remittance agents ~~Remittance-Agents~~ receiving ~~such~~ permits shall maintain records ~~thereof~~ as prescribed in Section 3-910 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a remittance agent's ~~Remittance--Agent's~~ license under Sections 3-906 and 3-907 of the Illinois Vehicle Code.
   3) Currency Exchanges licensed by, and in good standing with, the Department of Financial Institutions. Currency Exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permit books. Each Currency Exchange may issue Temporary Permits only to persons whose applications the Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All Currency Exchanges receiving Temporary Permits shall maintain records of the issuance of the permit ~~thereof~~, reflecting the information contained in the Temporary Permit. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange that has committed any violation of the Illinois Vehicle Code or rule implementing the Code ~~thereof~~, for failure to keep records required in this subsection (a)(3) ~~herein~~, or for any other violation relating to the use or issuance of Temporary Permits.

b) Issuers of Temporary Permits must be in compliance with the following:
   1) Temporary permits shall be issued in numerical sequence as received from the Secretary of State;
   2) Temporary permits shall be issued only by the dealer ~~Dealer~~, remittance agent ~~Remittance--Agent~~, or Currency Exchange that received the Temporary Permit from the Secretary of State;
   3) Temporary permits shall contain all of the information requested where applicable;
   4) Temporary permits shall bear the name of the issuing entity and the signature of the issuing employee;
   5) Issuers of Temporary Permits shall reimburse the Secretary of State $50 per permit for lost, missing, stolen, or destroyed permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the Temporary Permits were destroyed by fire or flood, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises;
   6) Issuers shall maintain copies of all Temporary Permits issued for a period of 3 years. When a second or subsequent Temporary Permit is issued for the same vehicle, the original Temporary Permit must be attached to the duplicate of the replacement Temporary Permit. If the subsequent Temporary Permit is issued by a different issuer than the original Temporary Permit, the previous permit number and issuance date shall be recorded on the record copy of the subsequent Temporary Permit;
   7) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all temporary permit books for which permits were issued, and all unissued Temporary Permits to the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received.

c) The Secretary of State shall have free access to the offices and places of business to examine fully all Temporary Permit ~~temporary permit~~ books and other business records, documents, and files of the issuer to determine whether the ~~such~~ issuer is complying with the provisions of this Section.

d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.



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(Source: Amended at 23 Ill. Reg. _____, effective _____)

**Section 1010.422 Temporary Permit Pending Registration In Illinois Issued After October 1, 1999.**

a) General Provisions

1) For the purpose of this Part, Illinois Temporary Registration Permit (Temporary Permit) shall refer to a temporary plate, issued or provided by the Secretary of State, that allows the operation of a vehicle after proper application has been made and fees received, until the receipt of registration plates and/or sticker.

2) The Secretary of State shall prescribe the form and content of the Temporary Permit. The Secretary of State shall issue the Temporary Permit and no other document shall be deemed a valid Temporary Permit. This provision shall in no way be construed as restricting the provisions of Section 3-401 of the Illinois Vehicle Code.

3) The Temporary Permit shall not be valid for more than 90 days from the date of issuance, unless extended or reduced at the discretion of the Secretary of State. In exercising that discretion, the Secretary of State shall take into consideration the following factors:

A) The nature and type of application;

B) The availability of the registration plates and/or stickers applied for;

C) The processing time for the application;

D) Other relevant matters affecting the issuance of the plates/stickers. In any event, once the applied-for registration plates and/or stickers have been issued to and received by the applicant, the Temporary Permit is void.

4) The Temporary Permit must be displayed on the outside rear of the vehicle in the designated license plate area for which it is issued.

5) The Temporary Permit must be removed upon receipt of the registration plates and/or sticker. The Temporary Permit is not transferable from one person to another, nor from vehicle to vehicle.

b) Newly Acquired Vehicles

A Temporary Permit to operate a newly acquired vehicle for which a valid application for title and registration has been filed, accompanied with the proper fees, may be issued by or for the Secretary of State to the buyer of the vehicle, pending action upon the application.

c) Renewal Registrations

In the event that an individual fails to renew a registration plate or sticker upon expiration, a Temporary Permit may be issued only by a



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Secretary of State facility, or remittance agent, and only under the following circumstances:

1) The applicant presents proof of ownership of the vehicle through a title, preprinted application or I.D. Card, or through verification of those documents by the records of the Secretary of State.

2) The applicant presents payment of all fees due.

3) The renewal registration plates and/or stickers are not readily available at a financial institution, as defined in Section 1010.240 of this Part.

4) The appropriate registration stickers or registration plates are not immediately available at a facility.

d) Miscellaneous Provisions

The Secretary of State may also issue Temporary Permits only at official State of Illinois facilities in any of the following situations:

1) If an individual has made application for registration, either renewal or otherwise, prior to expiration and does not receive the registration by the expiration date. The individual must present proof thereof acceptable to the Secretary of State.

2) Any situation where the individual makes proper application for title and registration, or registration alone, and the Secretary of State is unable to issue the appropriate registration at that time.

3) When a second or subsequent temporary permit is issued for the same vehicle by the Secretary of State, the previously issued temporary permit must be surrendered to the Secretary of State prior to reissuing another temporary permit unless it can be substantiated with credible evidence that the original temporary registration permit was stolen or destroyed by fire or flood in connection with the vehicle.

(Source: Added at 23 Ill. Reg. _____, effective _____)

**Section 1010.423 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State Issued After October 1, 1999**

a) In addition to the issuance of Temporary Permits to specific applicants, the Secretary of State may issue, upon request, Temporary Permits to the following for completion by them:

1) Licensed vehicle dealers registered and in good standing with the Secretary of State. Each dealer may issue Temporary Permits only to persons purchasing vehicles from that dealer and only after application for title and registration has been completed. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any dealer or demand return of unused permits for violating any

provision of the Illinois Vehicle Code. All dealers shall maintain records of all Temporary Permits issued as prescribed in Section 5-401.2 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a dealer's license under Section 5-501 of the Illinois Vehicle Code.

2) Licensed remittance agents registered and in good standing with the Secretary of State. Each remittance agent may issue Temporary Permits only to persons whose applications the remittance agent accepts for transmittal to the Secretary of State. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue such permits to any remittance agent or demand return of unused permits for violating any provision of the Illinois Vehicle Code. All remittance agents receiving permits shall maintain records as prescribed in Section 3-910 of the Illinois Vehicle Code. Failure to do so could result in the denial, revocation, or suspension of a remittance agent's license under Sections 3-906 and 3-907 of the Illinois Vehicle Code.

3) Currency Exchanges licensed by, and in good standing with, the Department of Financial Institutions. Currency Exchanges shall complete and submit an application in a manner prescribed by the Secretary of State to be eligible to receive Temporary Permits. Each Currency Exchange may issue Temporary Permits only to persons whose applications the Currency Exchange accepts for transmittal to the Secretary of State. A Temporary Permit may only be issued in connection with an application for title and registration or registration only, but may not be issued in connection with an application for renewal of a registration. All Currency Exchanges receiving Temporary Permits shall maintain records of the issuance of the permit, reflecting the information contained in the Temporary Permit. The Secretary shall, upon determination by any court proceeding or at an administrative hearing, decline to issue Temporary Permits to any Currency Exchange that has committed any violation of the Illinois Vehicle Code or rule implementing the Code, for failure to keep records required in this subsection (a)(3), or for any other violation relating to the use or issuance of Temporary Permits.

b) Issuers of Temporary Permits must be in compliance with the following:

1) Temporary permits shall be issued in numerical sequence as received from the Secretary of State;

2) Temporary permits shall be issued only by the dealer, remittance agent, or Currency Exchange that received the Temporary Permit from the Secretary of State;

3) Temporary permits shall contain all of the information requested where applicable;

4) Temporary permit receipts shall bear the name of the issuing entity and the signature of the issuing employee;



5) Issuers of Temporary Permits shall reimburse the Secretary of State $50 per permit for lost, missing, stolen, or destroyed permits. The Secretary of State shall have the discretion to waive this fee upon satisfactory proof that the Temporary Permits were destroyed by fire or flood, or stolen in connection to a theft of the premises. In the decision to waive the fee, the Secretary of State shall consider whether an insurance claim or police report was filed, or other evidence suggesting that the issuer's loss is the result of fire, flood, or theft of the premises;

6) Issuers shall maintain copies of all Temporary Permits issued for a period of 3 years;

7) When the issuer is no longer engaged in the business of issuing Temporary Permits, the issuer shall return all temporary permits for which permits were issued, and all unissued Temporary Permits to the Secretary of State. Issuer shall bear risk of loss until all Temporary Permits are received.

c) The Secretary of State shall have free access to the offices and places of business to examine fully all Temporary Permits and other business records, documents, and files of the issuer to determine whether the issuer is complying with the provisions of this Section. Temporary Permits, applicable permit books, and control sheets issued by the Secretary of State shall be the property of the Secretary of State subject to inspection and or removal from the issuer's place of business at the discretion of the Secretary of State.

d) The issuer is responsible for acts or omissions of issuer's employees while engaged in the distribution of Temporary Permits.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3)

| Section Number: | Proposed Action: |
|---|---|
| 1600.80 | Amended |
| 1600.120 | New |
| 1600.130 | New |

4) Statutory Authority: Implementing and authorized by 40 ILCS 5/15-177, 15-112, and 15-168.1

5) A Complete Description of the Subjects and Issues Involved:

| | |
|---|---|
| Section 1600.80 | Amending administrative hearing procedures |
| Section 1600.120 | Rule implementing 20% Limitation on Final Rate of Earnings Increases |
| Section 1600.130 | Rule implementing Procurement |

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Interested person may submit written comments and views to:

Dan Slack, General Counsel
State Universities Retirement System
P.O. Box 2710
Champaign IL 61825-2710
(217) 378-8800

All comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations effected: SURS believes that this rulemaking will not impose any direct impact on small businesses, small municipalities, or



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not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
1600.90 Excess Benefit Arrangement
1600.100 Freedom of Information Act
1600.110 Open Meetings Act
1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130 Procurement
APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. _____, effective _____.

**Section 1600.80 Rules of Practice-Nature and Requirements of Formal Hearings**

a) Proceedings
1) Administrative Determination.
The administrative staff of the System shall be responsible for the daily claims-processing function of the System, including processing of all claims for benefits or service credit or any other claims against or relating to the System.
2) Review by Deputy ~~Associate-Executive~~ Director.
Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the administrative staff may file a written request for review by the appropriate Deputy ~~Associate~~



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~~Executive~~ Director of the System. A request for review by the Deputy ~~Associate--Executive~~ Director must be submitted within 30 days after the decision from which review is sought. The Deputy ~~Associate--Executive~~ Director's review will be based upon all materials contained in the file, as well as any additional materials the staff or the claimant wish to submit pertaining to the claim.
3) Hearing.
A) Petition. Any participant, annuitant, or beneficiary adversely affected by the disposition of a claim by the Deputy ~~Associate-Executive~~ Director may request, in writing, ~~petition for~~ a Hearing before the Claims Committee. A request ~~petition~~ for a Hearing must be submitted to the General Counsel of the System, or his or her designee, ~~Executive--Director~~ within 30 days after the decision from which review is sought.
B) Statement of Claim. Upon filing a request ~~petition~~ for a Hearing, the claimant shall be informed that he or she is required to file a Statement of Claim, which shall include: the claimant's ~~petitioner's~~ name, social security number, and address; the name and address of the claimant's ~~petitioner's~~ authorized representative, if any; a statement of the facts forming the basis for the appeal, which may include any new or additional evidence; any documents or other materials the claimant ~~petitioner~~ wishes to be considered in conjunction with the appeal; and an explanation of the relief sought.
C) Notification. Upon scheduling of a Hearing before the Claims Committee, a claimant ~~petitioner~~ shall be *provided with written notice of: the date, time and place of the Hearing;* the subject matter of the Hearing; *and relevant procedural and substantive statutory and regulatory provisions* [5 ILCS 100/10-25]. Notice of the Hearing shall also inform the claimant ~~petitioner~~ that he or she will be afforded the opportunity to provide a statement of his or her position, present oral or documentary evidence, and conduct such examination and cross-examination of witnesses as is necessary for full and true disclosure of the facts. The claimant is not required to appear at the hearing. The claimant may appear at the hearing by telephone conference call. Notice shall be given to the claimant ~~petitioner~~ that he or she is required to provide written confirmation, at least three days prior to the scheduled date of the Hearing, of his or her intent to appear at the Hearing, whether in person or by telephone conference call. ~~The Petitioner--is not required to appear at the Hearing.~~ In the absence of the claimant ~~Petitioner~~, the Claims Committee will consider the claimant's ~~petitioner's~~ Statement of Claim and such other

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matters as may be properly brought before it at the Hearing.

D) Pre-hearing Conference. Upon request of the General Counsel ~~petitioner~~ or upon the decision of the Hearing Officer ~~Associate Executive Director~~, a pre-hearing conference shall ~~may~~ be held ~~scheduled~~ for the purpose of simplification or definition of issues or procedures at the Hearing.

E) Representation. The claimant and ~~petitioner,~~ the System ~~or any interested party~~ may be represented by counsel or a designated spokesperson at the Hearing.

4) Discovery.

All discovery is at the discretion of the Hearing Officer. Requests to take discovery must be made in writing to the Hearing Officer with notice to the other party. Discovery may only be taken with the prior permission of the Hearing Officer. Notwithstanding the foregoing, each party shall, on request by the other party or by the Hearing Officer, serve on the other parties and the Hearing Officer a list of potential witnesses who may be called upon to testify at the Hearing. Such list shall include the home address and place of employment of each witness and shall be served within 7 days after receipt of the request.

5) Depositions.

A) The Hearing Officer may order the taking of depositions, specifying the subject matter to be covered, of a person under oral examination or written questions, for use as evidence at the Hearing, provided:

i) The Hearing Officer has determined upon request that there is a need to preserve a person's testimony and there is a substantial possibility that the person will be unavailable at the time of the Hearing (such as when a witness has scheduled vacation or an out-of-town trip); and

ii) Such request is made on motion by a party who gives notice of such motion to the other party.

B) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases, and the order for the taking of a deposition may provide that any designated books, papers, documents, or tangible objects that are not privileged shall be produced at the same time and place.

C) Any party to the Hearing shall have the right to confront and cross-examine any witness whose deposition is taken.

D) Depositions shall be taken in the county of residence or employment of the witness, unless the witness waives such right in writing.

6) Subpoenas.

A) The Hearing Officer may request the Secretary of the Board to issue a subpoena to compel the attendance of a witness or the production of documents when such witness has, or such



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documents contain, relevant evidence. A party may also request the Hearing Officer to request the Secretary of the Board to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall either be in writing or on the record and shall:

i) Identify the witness or document sought; and

ii) State the facts that will be proven by each witness or document sought.

B) The Hearing Officer shall grant or deny the request, either in writing or on the record. If the request for subpoena is granted, the Hearing Officer shall, if necessary, reschedule the hearing to a specific date. The request for subpoena shall be denied if the Hearing Officer finds that the evidence sought is immaterial, irrelevant, or cumulative. If the request for subpoena is denied, the specific reasons for denial of the request shall be made part of the record on appeal.

C) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the Hearing Officer, at the same time serving a copy of the application upon the other party. If satisfied that the subpoena was properly served and that the application is in proper form, the Hearing Officer shall sign a subpoena to be submitted with the application and the party seeking the subpoena may then file and prosecute the application to the circuit court, in the name of the Board of Trustees of the System. The petitioner in the application shall be styled as "{Name of Petitioner} ex rel. Board of Trustees of the State Universities Retirement System of Illinois" unless the petitioner is the System, in which case the petition shall be brought in the name of the Board of Trustees. In the event of an application being filed with the circuit court, the matter shall be continued pending the outcome of the application to enforce the subpoena.

D) The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State and shall be paid by the party seeking the subpoena.

7) ~~F~~ Conduct of the Hearing.

A) ~~i~~ Hearing Officer ~~Claims Committee~~. The Hearing shall be conducted by the Hearing Officer ~~Claims Committee~~. Other members of the ~~The~~ Claims Committee may, but are not required to, attend the hearing. The Hearing Officer shall have full power to conduct the Hearing and the presence of any other members of the Claims Committee is not required. The Hearing Officer shall be one of the members of the

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Claims Committee chosen by them to be the Hearing Officer. The Claims Committee shall be composed of the Executive Director of the System (the agency head) and two additional members chosen by the Board of Trustees, at least one of whom shall be a Board member. The final member of the Claims Committee shall ~~may~~ be selected from the membership of the Board of Trustees, participants in the System, or attorneys licensed to practice law in the State of Illinois. At a minimum, the members of the Claims Committee shall have a general familiarity with the provisions of the Illinois Pension Code and, the rules, regulations, and policies of the System ~~and--the--rules-of-evidence-as-applied-in-civil cases~~.

B) ~~ii)~~ Procedures. The Hearing Officer ~~Claims--Committee~~ shall ~~choose--one--of-its-members-to-act-as-Presiding-Officer-over the-Hearing.--The-Presiding-Officer-shall~~ conduct a full and fair Hearing, receive testimony and documentary evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing ~~Presiding~~ Officer shall make all procedural and evidentiary rulings necessary for the conduct of the Hearing. As a general matter, *the rules of evidence as applied in civil cases in the circuit courts of the State of Illinois shall be followed; however, evidence inadmissable under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in conduct of their affairs. Any part of the evidence may be received in written form, provided that the interests of the parties will not be prejudiced. Notice may be taken of generally recognized technical facts within the agency's specialized knowledge and the agency's experience, technical competence and specialized knowledge may be used in evaluation of the evidence.* [5 ILCS 100/10-40] The Hearing Officer, and any member of the Claims Committee attending the hearing, ~~Members--of--the--Claims--Committee~~ may ask questions necessary for better understanding of the facts or law. The Hearing Officer shall have the authority to impose reasonable time limits for each party to present its case and shall, in general, have the power to manage and control the Hearing process. The Hearing shall be open to the public unless the Hearing ~~Presiding~~ Officer, for good cause shown, determines ~~shall-determine~~ otherwise.

C) ~~iii)~~ Record of Proceedings. Two records ~~A--record~~ of proceedings shall be kept that ~~which~~ shall be in the form of:

i) a non-verbatim "bystander's report", and

ii) either a stenographic transcription or a tape recording. The claimant ~~Petitioner~~ may obtain a stenographic transcription or a copy of a tape recording of the Hearing by making a timely request and paying the actual cost entailed.



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D) ~~iv)~~ Disqualification ~~Disqualifications~~; Ex Parte Communications.

Disqualification ~~Disqualifications~~. *A Hearing Officer* or other ~~Any~~ member of the Claims Committee *may be disqualified* ~~to-preside-at-the-Hearing~~ *on grounds of bias or conflict of interest.* A motion to disqualify a Hearing Officer ~~Claims Committee~~ or other member of the Claims Committee for bias or conflict of interest should be made to the Hearing Officer ~~Committee~~ by any party to the Hearing at least one week ~~three--days~~ prior to the commencement of the Hearing, with a copy of the motion to be simultaneously submitted to the General Counsel ~~opposing-party,-or-that-party's-attorney of--record~~. The motion shall be heard, considered and ruled upon by the Hearing Officer ~~Claims-Committee~~ at or prior to the commencement of the Hearing. The movant shall have the burden of proof with respect to the motion to disqualify. Either an *adverse ruling* or the fact that a Hearing Officer or other ~~Committee~~ member of the Claims Committee is an ~~a full-time~~ employee of the System or has a contract with the System, standing alone, *shall not constitute bias or conflict of interest.* [5 ILCS 100/10-30] The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal knowledge of facts bearing upon the claim. The Executive Director may not be disqualified as a member of the Claims Committee on the basis that the Executive Director is responsible for the overall administration of the System. In the event that a Hearing Officer or other ~~any~~ member of the Claims Committee is disqualified or is otherwise unable to serve ~~on---the Committee~~, the Board President may appoint another person to the Claims Committee and shall appoint another person if the Claims Committee is reduced to fewer than two members, or the Claims Committee shall appoint another Hearing Officer from among its members, as the case may be ~~at-the-discretion of--the-Presiding-Officer,-either-the-hearing-may-proceed-so long-as-at-least-two-members-of--the--Claims--Committee--are able--to--serve--or--the--president-of-the-Board-of-Trustees shall-designate-a-temporary-replacement~~.

*Ex Parte Communications Prohibited. Except in the disposition of matters that the System is authorized by law to entertain or dispose of on an ex parte basis, the ~~Executive-Director-and~~ members of the Claims Committee shall not, after receiving notice of a Hearing in a contested*

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*matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative of any party, except upon notice and opportunity for all parties to participate. However, an employee of the System may communicate with other employees of the System and an employee of the System or member of the Claims Committee may have the aid and advice of one or more assistants. An ex parte communication received by the Executive Director or any member of the Claims Committee member shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications.* [5 ILCS 100/10-60]

E)v) Recommendations and Decisions.

Claims Committee Recommendation. Upon conclusion of all evidence and arguments, the Claims Committee shall privately deliberate and make a recommendation as to the disposition of the claim based on the evidence of record. The record of proceedings shall be completed upon conclusion of the hearing by the Hearing Officer, unless the Hearing Officer determines to re-open the proceedings. The Claims Committee shall make one of the following recommendations: affirmance of the administrative action, reversal of the administrative action, or remand ~~remandment~~ of the case to the administrative staff for further consideration. The recommendation of the Claims Committee shall be made to the Executive Committee of the Board of Trustees. The claimant may file a statement of exceptions to the findings of the Claims Committee and may file a brief in support of its statement of exceptions. The statement of exceptions and brief must be submitted to the General Counsel not less than 30 days prior to the date that the Executive Committee is scheduled to hear this claim, as set forth in written notice to the claimant. The notice shall be given not less than 60 days prior to the meeting of the Executive Committee. The System may file a reply brief not less than 7 days prior to the date that the Executive Committee is scheduled to hear this claim. The recommended decision of the Claims Committee is a non-final decision, subject to the ultimate decision of the Executive Committee of the Board of Trustees.



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Executive Committee Decision. The Executive Committee of the Board of Trustees shall make a decision on the claim following receipt of a recommended decision from the Claims Committee, any statement of exceptions or brief filed by the claimant, and any reply brief filed by the System. No oral argument shall be permitted before the Executive Committee unless otherwise determined by the Executive Committee. ~~The record of proceedings shall be completed upon conclusion of the Hearing of the Claims Committee. No additional arguments or evidence may be presented to the Executive Committee by the petitioner or by the administrative staff of the System.~~ The Executive Committee shall consider the recommendation of the Claims Committee, any statement of exceptions or brief filed by the claimant, any reply brief of the System, and any permitted oral argument in making a decision for the System as to the disposition of the claim. The Executive Committee shall render one of the following decisions with respect to the claim: affirmance of the administrative action, reversal of the administrative action, or remand ~~remandment~~ of the case to the administrative staff for further consideration. Remand ~~Remandment~~ of the case to the administrative staff shall not be considered a final decision of the Executive Committee. A decision by the Executive Committee either reversing or affirming the decision of the administrative staff shall constitute a final decision for the purpose of review under the Administrative Review Law [~~735 ILCS 5/Art. III~~].

*A final decision of the Executive Committee shall be in writing or stated in the record. A final decision of the Executive Committee shall include findings of fact and conclusions of law, separately stated.* The Executive Committee may adopted as its own the findings of fact and conclusions of law of the Claims Committee. *Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. All decisions of the Executive Committee shall specify whether they are final and subject to the Administrative Review Law.*

*Parties or their agents shall be notified either personally or by registered or certified mail of any decision of the Executive Committee. Upon request, a copy of the decision shall be delivered or mailed to each party and to his or her attorney of record.* [5 ILCS 100/10-50]

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases

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a) Introduction. Public Act 90-65 added to Section 15-112 of the Illinois Pension Code a limitation on increases in earnings for the period of time covered under the calculation of final rate of earnings. This Section is promulgated to provide guidance and interpretation to the staff of the State Universities Retirement System in implementing P.A. 90-65.

b) All annual increases in earnings, as defined at Section 15-111 of the Illinois Pension Code, by an employee during the period used in determining the final rate of earnings of 20% or less shall be deemed to be includable in the calculation of the final rate of earnings. No further inquiry shall be necessary by the staff of the System.

c) In the event that there is an annual increase in earnings by an employee during the period used in determining the final rate of earnings of greater than 20%, such increase in excess of 20% shall be disregarded in calculating the final rate of earnings.

d) Regardless of subsection (c), the following shall not be considered in determining whether the annual earnings have increased in excess of 20%:

1) a bona fide change in the percentage of time worked by the employee (except that time worked in excess of 100% per employer shall be considered);

2) a change from a nine-month position to a twelve-month position;

3) a change in position; for example, changing position from professor to dean;

4) overloads or extensions, so long as the overload for which payment is received took place during the period used for calculating the final rate of earnings; and

5) supplemental contracts, so long as verifiable additional work is performed pursuant to the supplemental contract.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1600.130 Procurement

a) Introduction. It is the policy of the State Universities Retirement System to obtain goods and services in the most economical manner in order to guarantee the efficient utilization of System resources. Resources of the System shall be committed only with proper approval, as detailed in this Section.

b) Purchase Orders. Employees requesting goods or services that cost more than $500 and that are not part of a formal written contract shall complete a SURS purchase order form and receive written approval from the person designated by the Executive Director as the Procurement Officer prior to placing the order. Purchases of less than $500 do not require a purchase order, but must be within the authority of the employee to purchase.

c) Contract Policy. It is the policy of the State Universities



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Retirement System to standardize the form and content of its contracts with public and private bodies in order to ensure compliance with applicable State law, to ensure fairness to all parties, and to maximize uniformity of language.

1) Standard Addendum. In order to simplify the contracting process, SURS has developed a standard contract addendum that includes certifications considered advisable or required by State law. The standard addendum shall be completed and attached to (or incorporated within) all contracts and purchase orders entered into by the System, but shall not be required for purchase orders of $10,000 or less. Any variation from the terms of the standard addendum shall be approved by the System's General Counsel. The standard addendum may be revised by the General Counsel from time to time.

2) Written Contracts. All expenditures in excess of $10,000, which are not otherwise covered by any exemption stated in this Section, shall require a written contract reviewed and approved by legal counsel to SURS. Contracts in any amount shall be executed by the Executive Director or his or her designee, unless executed by the President of the Board of Trustees. Contracts in excess of $250,000 require the signatures of the Executive Director, the Deputy Director of Finance and the General Counsel. Notwithstanding the foregoing, all contracts with persons who are fiduciaries with respect to any investments of the System shall also be signed by the President of the Board, or his or her designee. No goods or services may be acquired, nor work commenced (unless the vendor specifically assumes the risk of non-payment in the event no contract is entered into), prior to the execution of a contract as provided in this Section. A copy of each contract shall be retained by the Deputy Director of Finance.

d) Documentation and Bidding - Expenditures in Excess of $25,000

1) Employees shall seek to obtain the best value for the System. Efforts to obtain the best value for the System shall be documented where possible and retained by the System. Expenditures in excess of $25,000 require bids from at least three different sources, unless otherwise provided in this Section. Sole source procurements, or other procurements with fewer than three bids, for expenditures in excess of $25,000 shall be justified and documented. If two or more identical bids are received, if an attempt to bribe an employee is made, or other irregularities are discovered by a SURS employee, the General Counsel and the Internal Auditor shall be notified.

2) All procurements in excess of $25,000, unless otherwise provided in this Section, shall be advertised in the official State newspaper, in the Illinois Procurement Bulletin, in SURS procurement bulletins, in appropriate media, or through electronic means such as the Internet. Such notice shall be

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published on at least 3 separate dates with a minimum of 14 days between the first and the last publication date.

3) All procurements for goods and services in excess of $25,000, unless otherwise provided in this Section, shall be awarded by competitive proposals. Each request for proposal shall set forth a description of the items or services being procured, the material contractual terms and conditions, and the criteria for evaluating proposals. Awards made pursuant to such competitive selection procedures shall be awarded to the responsible offeror whose proposal is determined to be most advantageous to SURS. SURS may directly negotiate with any offeror as to the terms of a proposal. Competitive proposals may be used to procure, but are not limited to, professional and artistic services, including legal, medical and related services, investment management and consulting, electronic data processing equipment, software and services, and telecommunications equipment, software and services.

4) The following procurements do not require advertising or the use of competitive proposals:

A) Individual contracts for goods, services or construction not exceeding $25,000;

B) Emergency procurements, such as when there exists a threat to public health or safety, or when immediate expenditure is necessary in order to protect against loss of or damage to SURS property or interests, or to prevent or minimize disruption in SURS services, or when necessary to prepare for anticipated litigation, enforcement actions, or investigations, or to protect the integrity or confidentiality of SURS records; provided that a written determination is made that an emergency exists; and

C) Utilities and other sole-source items.

e) Purchasing

1) Employees are allowed to make purchases provided that the goods or services are budgeted for, and a purchase order (for purchases in excess of $500) is completed and has written approval in advance of placing the order, or a formal contract (for purchases in excess of $10,000) is executed, and the provisions of this Section are complied with. Employees other than those designated by the Executive Director are not allowed to make purchases of office supplies, computer equipment, or software.

2) SURS shall not pay Illinois sales tax. Employees must direct the vendor to exclude any such charge on invoices. Employees should also ask if discounted State rates are available for purchases.

3) Invoices should be approved for payment within 30 days after the receipt of the invoice. Approval should not be given for goods and services that do not conform to SURS' requirements. The vendor shall be promptly notified in writing if SURS does not approve an invoice for payment and advised of the reason for the



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denial. If approval is made after 30 days, a full explanation should be attached to the invoice.

4) Advance payment for goods and services is discouraged. If advance payment is required, the employee shall complete a certification as specified in Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. In the event that a voucher is submitted for advance payment, the voucher shall state on its face that the goods or services are being procured pursuant to a formal written contract the terms of which require advance payment. If it is not possible to execute a written contract, the voucher shall so state. The certification is not required for payment of conference fees, purchase of travel tickets, purchase of periodicals, and required deposits of less than $500.
The certification shall be in the following format:

"I certify that the goods or services specified on this contract or purchase order were for the use of this agency and that the expenditure for such goods or services was authorized and lawfully incurred; that such goods or services meet all the required standards set forth in the purchase order or contract to which this certification relates; and that the amount shown on this voucher is correct and is approved for payment."

Insert following sentence in certification if applicable:

"It is not possible to execute a formal written contract."

(Date) _____ (Signature) _____

(Source: Added at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 110.60 | Amendment |
| 110.80 | Amendment |
| 110.106 | New Section |

4) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 USCA 5301) and Section 46.37 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37]; and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

5) Effective Date of Amendments: July 12, 1999

6) Does this rulemaking contain an automatic repeal date: No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 20658, December 4, 1998

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: The following language to Section 100.106(b) was added:

"1) Applicants for this program must be referred to the Department by DPH based on a finding by DPH or the local health department, if applicable, that children age 6 or under who live within the jurisdiction of the applicant have been diagnosed as having lead poisoning or are in imminent danger of lead poisoning."

In addition, grammatical changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No



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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The purpose of this rulemaking is to give the Illinois Department of Commerce and Community Affairs (DCCA) the authority to create a pilot Emergency Lead-Based Paint Hazardous Reduction Program using $50,000 of Community Development Assistance (CDAP) funds. This program will be a collaboration between DCCA, the Illinois Department of Public Health (IDPH), local health departments and Community Action Agencies (CAA).

The purpose of this program is to provide housing rehabilitation assistance to income-qualified households to assist in the remediation of lead-based paint (LBP) hazards. Eligible units of local government will apply for funds to assist low and moderate-income households where a lead-poisoned child age six years or younger is in danger of lead poisoning. Applicants will be referred to DCCA by IDPH or a local health department, as appropriate. The applicant local government must agree to contract with a DCCA-approved CAA to carry out the project.

16) Information and questions regarding these adopted amendments shall be directed to:

Raya Petefish
Illinois Department of Commerce and Community Affairs
620 East Adams
Springfield, IL 62701
(217) 785-6285

The full text of the adopted amendments begins on the next page:

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section
110.10 Legislative Base
110.20 Purpose and Scope
110.30 Definitions
110.35 Incorporation by Reference
110.40 Federal/State Program Objectives
110.50 Eligible Applicants
110.60 Eligible/Ineligible Projects and Activities
110.70 Grant Application Process
110.80 Funding
110.90 Set-Aside for Emergency Public Facilities Component
110.91 General Economic Development Component
110.92 Competitive Public Facilities Component
110.93 Competitive Housing Rehabilitation Component
110.94 Competitive Planning Assistance Component
110.95 Competitive Removal of Architectural Barriers Component
110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101 Application Evaluation for Competitive Planning Assistance Component
110.102 Application Evaluation for Competitive Removal of Architectural Barriers Component
110.103 Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104 Application Evaluation for Competitive Housing Rehabilitation Component
110.105 Small Business Financing Component (Repealed)
110.106 Demonstration Program: Set-Aside for Emergency Lead-Based Paint Abatement
110.110 Administrative Requirements
110.120 Nondiscrimination
110.130 Complaint Process

SUBPART B: REVOLVING LOAN FUNDS

Section
110.210 Purpose
110.220 Definitions
110.230 Recapture Strategy Requirements
110.240 RLF Administration



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110.250 Use of RLF Funds
110.260 Requirements for RLF Projects
110.270 Administrative Costs
110.280 RLF Fundability Analysis
110.290 RLF Loan Closings
110.300 Security
110.310 Disbursement of RLF Funds
110.320 RLF Loan Monitoring
110.330 Recordkeeping and Reporting
110.340 Department Monitoring
110.350 Evaluation of Performance
110.360 Program Income Subject to the Act

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37 and 46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. 7799, effective May 29, 1996; amended at 22 Ill. Reg. 1910, effective January 1, 1998; amended at 23 Ill. Reg. 8362, effective JUL 12 1999.

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

**Section 110.60 Eligible/Ineligible Projects and Activities**

a) Eligible Projects and Activities - Eligible activities are detailed in 24 CFR 570.482 (1992). Activities assisted by this program may include the following:
   1) Economic Development - provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition; public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation of commercial and industrial buildings/facilities; machinery and equipment; furnishings and fixtures; and working capital expenses.
   2) Public Facilities and Improvements - acquisition, construction, reconstruction, rehabilitation or installation of public facilities, and improvements e.g., water and sewer facilities, including storm sewers; flood retention and drainage facilities.
   3) Housing Rehabilitation and Preservation - provision of assistance in support of low to moderate-income housing, including rehabilitation, clearance, demolition, and/or removal of

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privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines; certain types of housing modernization; temporary relocation assistance; and code enforcement; and lead-based paint abatement.

4) Planning Assistance - planning activities which focus on the needs of low- and moderate-income persons in the community, including feasibility studies, data gathering, analyses, preparation of plans, and identification of implementing actions.

5) Removal of Architectural Barriers - structural improvements to government-owned buildings to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons in order to comply with the Americans with Disabilities Act, e.g., curb cuts necessary to access local government buildings, modifications to entrances and exits, parking improvements, modification of restroom facilities, and signage.

6) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.

b) Ineligible Projects and Activities -

1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible.

2) The following is a selective list of examples of projects and activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not exclude historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 49 CFR 24 (1989), or, when carried out by a subrecipient pursuant to 570.204(a)(2) of the Act; income payments for housing or any



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other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.). All activities as listed in 24 CFR 570.482 (1992) and Section 105(a) of the Act are eligible.

(Source: Amended at 23 Ill. Reg. 8362, effective JUL 12 1999)

**Section 110.80 Funding**

a) Distribution of Funds - Distribution of grant awards will be made according to the application evaluation process described in Sections 110.91, 110.92, 110.93, 110.94, 110.95, 110.100, 110.101, and 110.102, and 110.106 of this Part.

b) Other Funding Considerations

1) Grant Ceilings: Grant ceilings establish the general limits that may be requested. The Department shall employ the factors listed in subsection (b)(1)(D) in authorizing a higher grant ceiling for a particular project. Individual grants will be funded only in amounts commensurate with the requirements of the proposed projects. The Department will set the following grant ceilings for applicants:

| A) Components | Grant Ceiling |
|---|---|
| i) General Economic Development | $500,000 |
| ii) Competitive Public Facilities Design Engineering | $400,000 $100,000~~$50,000~~ |
| iii) Competitive Housing Rehabilitation | $400,000 |
| iv) Set-Aside for Emergency Public Facilities | $100,000 $100,000 |
| v) Removal of Architectural Barriers | $150,000 |
| vi) Planning | $ 25,000 |
| vii) Set-Aside for Lead-based Paint Abatement | $ 50,000 |

B) Local governments may receive only one grant award under the program components of Competitive Public Facilities and Competitive Housing Rehabilitation, Competitive Removal of Architectural Barriers, and Competitive Planning Assistance. They are limited to submitting one application under the Competitive Public Facilities and the Competitive Housing Rehabilitation components in any one program year.

C) On occasion, the Department will review the technical feasibility of a project. If the review requires non-Departmental expertise (e.g., water and sewer permits), the Department will coordinate with other agencies (e.g., Environmental Protection Agency (EPA), Department of Public Health (DPH), USDA Rural Development ~~Farmers--Home Administration (FmHA)~~) to review the technical feasibility

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of the project.

D) In determining appropriate individual grant amounts the Department shall consider the following:

i) Project Need - Project need shall be determined using standards found in Sections 110.90(b)(3); 110.91(b)(3)(A), (C), (D), and (E); 110.92(b)(3); 110.93(b)(3); 110.94(b)(3); 110.95(b)(3); 110.100(c); 110.101(b); and 110.102(b), as applicable.

ii) Ability to Carry Out the Project - Determination of the ability to successfully complete the proposed project shall be based upon elements such as previous program performance, experience, and scope of the proposed program.

iii) Proposed Activities - A review of the proposed activities shall be based on a determination of whether the program objectives will be met through the proposed activities as set out in Sections 110.90, 110.91, 110.92, 110.93, 110.94, 110.95, and 110.105.

E) The Department may withdraw a commitment of funds if it is determined that a project will not progress. The conditions under which this shall occur are listed in 47 Ill. Adm. Code 1.110.

2) Standards for Program Category Allocation: The Department shall determine the amount of funds annually allocated to carry out activities in accordance with each of the community development assistance program categories. Need expressed by interested citizens and local elected officials pursuant to Section 110.10(b)(2)(C), the amount of annual allocation, and a review of past program component usage shall be factors in determining the amount of funds annually allocated to carry out activities. The allocation of funds between program components shall be determined from the following allocation ranges:

A) Set-Aside for Emergency Public Facilities -- 1% - 20%
B) Competitive Housing Rehabilitation -- 14% - 60%
C) Competitive Public Facilities -- 40% - 60%
D) General Economic Development -- 10% - 40%
E) Removal of Architectural Barriers -- 1% - 10%
F) Planning -- up to 1%
G) Set-Aside for Lead-Based Paint Abatement -- up to 1%

3) Environmental Clearances: Upon actual grant award, a technical review of non-exempt activities must be completed, if required, under 24 CFR 58 (1984). HUD has published Environmental Review Procedures for the Community Development Block Grant (24 CFR 58).

4) On-Site Visits: The Department's program staff may, contingent upon program resources or the need for on-site inspection to verify eligibility, conduct field visits of potential grantees under the Competitive Public Facilities and Competitive Housing Rehabilitation components prior to final grant decisions.



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(Source: Amended at 23 Ill. Reg. 8362, effective JUL 12 1999)

Section 110.106 Demonstration Program: Set-Aside for Emergency Lead-Based Paint Abatement

In order to respond to lead-based paint poisoning problems, for FY 2000 only, $50,000 in funds will be made available on an "as needed" basis. There is no application deadline for this set-aside. Awards will be made to communities that are faced with an immediate threat to health and safety to children 6 and under exposed to lead-based paint. If no situations arise that warrant this type of assistance, the set-aside funds will be reallocated at the end of the program year to the competitive public facilities component.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) 100 percent of those benefiting from the project will be low-to-moderate income persons (as defined in Section 110.30 of the Part);

2) 100 percent of project costs may be paid from CDAP funds unless the project involves rental property owned by a non-low-to-moderate income person. If the rental property is occupied by a low-to-moderate income family, but is owned by a non-low-to-moderate income person, then the rental property owner must contribute at least 50 percent of the costs of the actual lead-based paint abatement;

3) One or more income eligible families living in the community have children 6 or under who have lead poisoning or are in imminent danger of lead poisoning;

4) The project is ready to proceed and expend funds; and

5) A community action agency determined by the Department to have the capacity to undertake lead-based paint abatement will be used to manage the project.

b) Application Review and Approval

1) Applicants for this program must be referred to the Department by DPH based on a finding by DPH or the local health department, if applicable, that children age 6 or under who live within the jurisdiction of the applicant have been diagnosed as having lead poisoning.

2) Funds will be made available on an as needed basis through a non-competitive process until all funds are obligated.

3) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part.

(Source: Added at 23 Ill. Reg. 8362, effective JUL 12 1999)

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1) Heading of the Part: School Technology Program

2) Code Citation: 23 Ill. Adm. Code 575

3)

| Section Number: | Adopted Action: |
|---|---|
| 575.300 | Amendment |
| 575.400 | Amendment |
| 575.500 | Amendment |
| 575.600 | Amendment |
| 575.700 | Amendment |

4) Statutory Authority: 105 ILCS 5/2-3.117a

5) Effective Date of Amendments: July 12, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 2837; March 12, 1999.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposed and final version: No changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: P.A. 90-548, effective January 1, 1998, created a revolving loan fund for school technology purposes. The program started with the 1998-1999 school year. After rules for the program were adopted in November, the need to change several provisions became apparent; these changes are addressed below.

Section 575.600(a) previously stipulated that interest will be "compounded" quarterly. That term is used incorrectly in this context and has been changed to "computed".



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Language has been added to Section 575.300 to allow the State Board of Education to calculate at the beginning of the loan cycle, and to inform each district, of the maximum loan amount to which a district is entitled.

Other technical nonsubstantive changes have been made in Sections 575.400(c), 575.500(c), 575.600(b)(3), and 575.700(d).

16) Information and questions regarding these adopted amendments shall be directed to:

Lugene Finley, Division Administrator
Technology Outreach
Illinois State Board of Education
100 North First Street, C-359
Springfield, Illinois 62777-0001
(217) 782-5439

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 575
SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section
575.10 Purpose
575.20 Eligible Expenditures
575.30 Application Procedure and Content
575.40 Matching Requirements
575.50 Proposal Review and Approval
575.60 Terms of the Grant

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section
575.100 Purpose
575.200 Use of Funds
575.300 Maximum Amount of Loan
575.400 Application Procedures
575.500 Review of Application and Notification of Loan Award
575.600 Repayment Procedures
575.700 Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective JUL 12 1999.

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

**Section 575.300 Maximum Amount of Loan**

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels as reflected in the Fall Enrollment and Housing Report for the immediately preceding year. A school district may request a loan amount that does not exceed $150 per pupil in the eligible grade levels plus a base amount of $25,000; however, no single loan in a given fiscal year shall exceed $6,000,000. The State Board of Education



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shall annually notify school districts of the maximum loan amount to which they are entitled.

(Source: Amended at 23 Ill. Reg. 8370, effective JUL 12 1999)

**Section 575.400 Application Procedures**

a) The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.

b) Each application for a loan shall include the following information:
   1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
   2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;
   3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the district's board of education authorizing submission of the loan application; and
   4) Such assurances and certifications as the State Board of Education may require, to include at least the following:
      A) that the loan proceeds shall be used in the grade levels specified on the application; and
      B) that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).

c) Each loan application shall bear an original signature of the district superintendent and shall be sent to the State Board of Education as specified on the application form within 30 calendar days following the local board of education's approval. Applications received by the division specified on the form after March 1 ~~addressed other than as specified on the application form~~ shall not be processed.

d) School districts are limited to one approved loan per fiscal year.

(Source: Amended at 23 Ill. Reg. 8370, effective JUL 12 1999)

**Section 575.500 Review of Application and Notification of Loan Award**

a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 15 calendar days following receipt of the application. Applications will not be processed until all requested information is received.

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b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section, as long as funds appropriated for a given fiscal year remain available.
   1) Loan award determinations shall be made on September 15, December 15 and March 15 of each fiscal year.
   2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.
      A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.
      B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.
      C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.
c) Notification of a loan award shall be made no later than 15 calendar days following the award determination dates established in subsection (b)(1) of this Section. Applications not approved for funding ~~funded~~ on or before March 15 of the fiscal year in which the application was made shall expire.
d) Applications received after the March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.
e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Amended at 23 Ill. Reg. 8370, effective JUL 12 1999)

Section 575.600 Repayment Procedures

~~a~~) Loans shall be repaid within three years (Section 2-3. 117a of the School Code).
   a)~~1~~) The rate of interest shall be stipulated on the loan application and *shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York* (Section 2-3.117a(a) of the School Code). Interest



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shall be computed ~~compounded~~ quarterly.
   b)~~2~~) Payments on the loan (principal and interest) shall be made by check on a quarterly basis in 12 equal installments.
      1)~~A~~) Loan payments shall be due on the last day of each quarter (i.e., December 31, March 31, June 30 and September 30), with the first payment under each loan due on the second due date following receipt of the loan.
      2)~~B~~) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal Services Division, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001.
      3)~~C~~) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due.
   c)~~3~~) A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Amended at 23 Ill. Reg. 8370, effective JUL 12 1999)

Section 575.700 Terms and Conditions of Loan Agreement

a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. Loan proceeds shall be obligated no later than six months following receipt of the loan.
b) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110).
c) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].
d) In the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Amended at 23 Ill. Reg. 8370, effective JUL 12 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Camping on Department of Natural Resources Properties

2) Code Citation: 17 Ill. Adm. Code 130

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 130.40 | Amendments |
| 130.70 | Amendments |
| 130.80 | Amendments |
| 130.90 | Amendments |
| 130.135 | Amendments |

4) Statutory Authority: Implementing and authorized by Sections 1, 4(l) and (5) of the State Parks Act [20 ILCS 835/1, 4(l) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

5) Effective Date of Amendments: July 7, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 9, 1999, 23 Ill. Reg. 4166

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 130.40(b) - "four (4)" was replaced with "4".

Section 130.40(c) - "four (4)" was replaced with "4"; "eight (8)" was replaced with "8" and "(6)" was replaced with "6".

Section 130.40(e) - "four" was replaced with "4" and "two" was replaced with "2".

Section 130.40(f) - "two" was replaced with "2".

Section 130.70(l)(A) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(B) - ".00" was removed from all dollar amounts.



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Section 130.70(a)(l)(C) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(D) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(E) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(F) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(G) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(H) - ".00" was removed from all dollar amounts.

Section 130.70(a)(l)(I) - ".00" was removed from all dollar amounts; "given" was removed.

Section 130.70(a)(l)(K) - ".00" was removed from all dollar amounts; the comma following "reservations" was removed and "and" put back in.

Section 130.70(b)(3)(c) - the comma following "veteran" was removed.

Section 130.90(b)(l) - "If a" was changed to "A"; "who" was added prior to "has"; and ", he" was removed.

Section 130.90(b)(3) - the "'" following "Resources" was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The basic change to this rule is to incorporate the rent-a-tents and cabins into the same program. The revision eliminates all classes of tents except Class A (since we no longer have tents in the other classes) and changes regulations so that rent-a-camp cabins and tents are the same. It also changes the check-out time to 1:00 p.m. for both the cabins and tents.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

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The full text of the adopted amendments begins on the next page:



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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section
130.10 Location
130.20 Purpose of Campground
130.30 Classification of Camps by Equipment Used - Definitions
130.40 Definition of a Camp
130.50 Registrations
130.60 Permits, Extensions and Time Limits
130.70 Fees and Charges
130.80 Refunds
130.90 Check-in and Check-out Times
130.100 Unoccupied Camps
130.110 Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.120 Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130 Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135 Campground Host Program
130.140 Use of Campground
130.150 Eviction

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg.

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9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective JUL - 7 1999.

Section 130.40 Definition of a Camp

a) "Camp" means a single family or group occupying one shelter.
b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of ~~four~~ 4 adults (18 years of age or older).
c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed ~~four~~ 4 occupants. (Except for Rent-A-Camp sites with an extra large tent which would not exceed ~~eight~~ 8 occupants and a campground cabin would not exceed 6 occupants.)
d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing. It may consist of sleeping bag, jungle hammock, station wagon, tent, trailer, bus, tarp, car or boat.
e) If more than one camp shelter is required for the single family or group, they shall occupy separate camps. (Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter); or a group of no more than 4 ~~four~~ occupants may occupy up to 2 ~~two~~ tents on a single campsite.
f) In no case will 2 ~~two~~ or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
g) Where campgrounds are laid out in defined sites, not more than one camp will be permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by department staff.

(Source: Amended at 23 Ill. Reg. 8376, effective JUL - 7 1999)

Section 130.70 Fees and Charges

a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:
1) Spring - Summer Camping (May 1 through September 30)
A) Class A Sites: Camping fee of $8.00 per night per site,



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$3.00 utility fee. Sites having availability to showers, electricity and vehicular access.
B) Class B-E Sites: Camping fee of $7.00 per night per site, $3.00 utility fee. Sites having availability to electricity and vehicular access.
C) Class B-S Sites: Camping fee of $8.00 per night per site. Sites having availability to showers and vehicular access.
D) Class C Sites: Camping fee of $7.00 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
E) Class D Sites: Camping fee of $6.00 per night per site. Tent camping or primitive sites ~~(walk-in or backpack)~~ with no vehicular access.
F) Youth Group Camping: $1.00 per person, minimum daily camping fee of $10.00.
G) Adult Group Camping: $3.00 per person, minimum daily camping fee of $30.00.
H) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of $4.00 per night. At Dixon Springs, a deposit of $40.00 will be required before confirmation of a reservation. At Pere Marquette, a deposit of $100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be $45.00 per day.
I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of $8.00 and $12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent ~~rent-a-camp~~ will be based on the basic fees ~~given~~ of $8.00 or $12.00 per night in addition to the fee for the Camp A Campsite. ~~class of the camping site A through B on which the rent a camps are located, as follows:~~
~~i)~~ Rent-A-Camp Tent at Class A Sites:
$8 ~~$16.00~~ or $12 ~~$20.00~~ plus $3.00 utility fee and $8 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.
~~ii) Rent-A-Camp Tent at Class B-E Sites: $15.00 or $19.00 plus $3.00 utility fee per night per site at all sites having availability to electricity and vehicular access.~~
~~iii) Rent-A-Camp Tent at Class B-S Sites: $16.00 or $20.00~~

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~~per night per site at all sites having availability to showers and vehicular access.~~

~~iv) Rent-A-Camp Tent at Class C Sites: $15.00 or $19.00 per night per site at all sites having vehicular access.~~

~~v) Rent-A-Camp Tent at Class D Sites: $14.00 or $10.00 per night per site at all sites having tent camping or primitive sites (walk in or backpack) with no vehicular access.~~

J) Rent-A-Camp Cabin areas will provide, at an additional fee of $24.00 per night, one 2two-bedroom cabin with 2 two bunk beds, one full-sized bed, ceiling fans fan, electric heaters heater, drop-leaf table with two chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee of $24.00 per night in addition to the fee for the class of the camping site on which the Rent-A-Camp Cabins are located. ~~, as follows:~~

Rent-A-Camp Cabins at Class A Sites:

$24.00 cabin rental plus $3.00 utility fee and $8.00 camping fee per night, per site at all sites having availability to showers and vehicular access.

K) A $5.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites ~~camp sites~~ as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. At Starved Rock State Park, the reservation fee shall be the applicable first night's camping and utility fee in addition to the $5.00 per campsite non-refundable fee and is required at the time reservations are made for individual campsite reservations.

The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the $5.00 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent campsites.

2) Fall - Winter Camping (October 1 through April 30)

A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.

C) The fee for primitive campsites shall be $6.00 per site. When a change in facilities is made and a campsite is



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reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.

2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

C) An Illinois resident who is a disabled veteran, or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS

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2805/5).

(Source: Amended at 23 Ill. Reg. 8376, effective JUL - 7 1999)

**Section 130.80 Refunds**

a) A refund of camping and utility fees for unused time shall be made upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
b) Refund forms must be completed whenever a camper requests a refund for the unused portion of this camping permit.
c) The person requesting the refund must show identification at the time of the refund.
d) The camper's copy of the permit must be surrendered at the time of the refund.
e) Rent-A-Camp reservation fees ~~deposits~~ will not be refunded by the Department.
f) No refunds will be made for reservation fees unless the campground is closed by the Department.
g) The deposit required for organized group camps at Pere Marquette and Dixon Springs will be non-refundable unless notice of cancellation is received by 30 days prior to reservation date.
h) There is no refund of the first night's cabin/tent fee or camping and utility fee made as part of a campsite reservation that is canceled less than 3 days prior to the date of arrival.

(Source: Amended at 23 Ill. Reg. 8376, effective JUL - 7 1999)

**Section 130.90 Check-in and Check-out Times**

a) Check-in times are normally from 7:00 a.m. until 10:00 p.m. Late check-in will be allowed provided ~~providing~~ camping space is available, when site staff is available or to help avert emergencies. Rent-A-Camp Cabins and Tents may not be available for occupancy until 3:00 p.m. due to additional time needed to clean units.
b) Check-out time is 3:00 p.m., with the exception of Rent-A-Camp Cabins and Tents which is 1:00 p.m. ~~11:00 a.m.~~
   1) A ~~If~~ camper who has checked out and desires to remain in the area for ~~the~~ other purposes after the check-out time, ~~he~~ must break camp and move from the campground.
   2) The camper shall remove all personally owned camping equipment from the campground at the time the camper leaves.
   3) Failure to remove camping equipment by 3:00 p.m. (or by 1:00 p.m. ~~11:00 a.m.~~ for Rent-A-Camp Cabins and Tents) without specific authorization by Department of Natural Resources staff shall obligate the camper to pay an additional night's fees. The camper may elect to stay the additional night if such use does not violate time limits and if space is available.



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(Source: Amended at 23 Ill. Reg. 8376, effective JUL - 7 1999)

**Section 130.135 Campground Host Program**

a) Purpose of host - The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.
b) Pertinent information and qualifications
   1) The Department will compensate hosts $1 per day for the days hosts work, and will provide free camping privileges while performing duties in the campground.
   2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.
   3) A host shall have camping experience.
   4) A host shall serve for a minimum of 4 weeks.
   5) Illinois residents will be given first priority for host positions.
   6) A host shall have a valid driver's license.
   7) A host shall be at least 21 years of age.
   8) A host shall be available in the park to assist visitors 35 hours per week, usually over a 5 day period. Weekends and holidays are mandatory days for duty in the program.
   9) A host shall be on duty and work during all kinds of weather.
c) Location of host campgrounds
   1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.
   2) A current listing of designated host campground sites will be provided with the application.
d) Number of hosts per park
   An individual or couple may act as hosts. Most parks have one campsite designated and a few larger parks may have more campsites.
e) Duties and responsibilities of a host
   1) A host shall be a visible representative of the Department with knowledge of rules and regulations.
   2) A host shall be informed about the park setting and activities available in the area.
   3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.
   4) A host shall be observant for activities within the campground

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that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)

5) A host shall replenish restroom supplies when the park staff are not present.

6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.

f) How to apply

1) Interested persons may obtain a campground host application from a Department office or write: Illinois Department of Natural Resources, Campground Host Coordinator, 524 South Second Street, Lincoln Tower Plaza Building, Springfield, Illinois 62701-178~~62706~~.

2) Interested persons may complete the application and return it to the above address.

g) When to apply

1) Applications are accepted year round and filled as positions open. If a position is open, applicants will be contacted for an interview.

2) Recruitment for the summer season occurs from March to June.

h) Hiring campground host and/or hostess

1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suitable candidates for this position ~~positions~~.

2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicants shall include, but not be limited to, the following:

A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.

B) Previous experience in maintenance and report work.

C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.

(Source: Amended at 23 Ill. Reg. ~~8376~~ 8387, effective JUL - 7 1999)



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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Disposition of Deer Accidentally Killed by a Motor Vehicle Or Other Non-Hunting Methods

2) Code Citation: 17 Ill. Adm. Code 750

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 750.10 | Amendments |
| 750.20 | Amendments |

4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

5) Effective Date of Amendments: July 7, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 2, 1999, 23 Ill. Reg. 3899

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Main Source Note - changed "day" to "days".

Section 750.10 - added a comma following "methods".

Section 750.10(a) - replaced "said" with "the" in two places; and changed "they claim" to "the person claims".

Section 750.10(b) - replaced "said" with "the"; added "deer" following "killed"; removed the comma following "Office"; changed "when" to "if"; and changed "their" to "the individual's".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking: Amendments to this Part were made to reflect the new method of reporting road-killed deer and the new tagging requirements for claiming deer found killed by other methods. There is also no reason to continue to limit possession of the deer claimed under this Part to six months.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 750
DISPOSITION OF DEER ACCIDENTALLY KILLED BY A MOTOR VEHICLE OR OTHER NON-HUNTING METHODS

Section
750.10 Legal Possession
750.20 Required Reporting Information

AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10646; amended at 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. ~~8387~~ effective JUL - 7 1999.

**Section 750.10 Legal Possession**

A whitetail deer that is killed as a result of a collision with a motor vehicle, or killed by other methods, ~~non-hunting--methods~~ may be legally possessed by an individual if the following criteria are met:

a) The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing the ~~said~~ deer. If the driver of the motor vehicle does not take possession of the deer before leaving the collision scene ~~want--the-deer~~, any citizen of the State of Illinois may possess and transport the ~~said~~ deer. All deer possessed as the result of ~~killed-in~~ a vehicle collision must be reported by the person possessing the deer to the Department of Natural Resources' Road Kill Deer Reporting 800 Number (1-800-406-3477) ~~Natural-Resource's-Regional-Law-Enforcement-Office-by-telephone~~ within 24 hours if the person claims the deer ~~the-collision-occurred~~ Monday through Thursday. Deer claimed ~~killed~~ Friday through Sunday or on holidays must be reported during the next regular workday ~~that-the-Regional-Law-Enforcement-Office-is-open~~. Deer shall not be processed for consumption beyond the removal of the entrails until the report is made and a registration number ~~approval~~ has been obtained. There is no limit to the number of deer that may be possessed.

b) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision, or legally taken by hunting

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methods ~~law~~, shall not transport the ~~said~~ deer or deer parts until permission is obtained from a Conservation Police Officer or the Regional Law Enforcement Office. ~~Permission must be obtained within 24 hours.~~ Permission will be granted to transport if it is determined by an investigation that the person requesting possession did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the vehicle-killed deer or deer killed by other methods. The carcass tag requirement shall be waived by the Regional Law Enforcement Office if the individual possessing the deer carcass will process the deer at the individual's residence. ~~is in no way involved in the deer's illegal taking~~

~~c) If two (2) or more deer are killed at one time, the driver is eligible to possess as many of these deer as he wishes.~~

~~d) Possession of vehicle killed or non hunting method deer meat will be limited to 6 months from date of accident.~~

c)~~e)~~ Inedible parts of vehicle-killed deer or ~~non-hunted~~ deer killed by other methods, other than deer legally taken by hunting methods, shall ~~will~~ not be sold; ~~however, they may be possessed. When retained, the head/antler and hide shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in the green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. The inedible parts of vehicle killed or non hunted deer not retained by the individual possessing the deer must be disposed of in a lawful manner. The carcass shall be properly tagged with an irremovable tag obtained from the Regional Law Enforcement Office. This tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took possession of the vehicle killed or non hunted deer. The carcass tag requirement shall be waived by the Regional Law Enforcement Office, when the individual possessing the deer will be keeping only the meat and the deer carcass will be processed at their residence.~~

d)~~f)~~ The State of Illinois is absolved of any and all liability associated with the handling or utilization of vehicle-killed deer or ~~non-hunted~~ deer killed by other methods. This, however, does not relieve involved parties from reporting other liabilities to appropriate



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agencies as required.

e)~~g)~~ Except for any Law Enforcement Officers or authorized employees as defined in Section 1.2b of the Wildlife Code [520 ILCS 5/1.2b] ~~(Ill. Rev. Stat. 1989, ch. 61, par. 1.2b.)~~, in performance of their duties, it shall be illegal to kill ~~with either a gun or bow and arrow,~~ a deer crippled by a collision with a motor vehicle, or injured by any other method ~~non-hunting method~~.

(Source: Amended at 23 Ill. Reg. 8387, effective JUL - 7 1999)

**Section 750.20 Required Reporting Information**

Individuals reporting possession of a deer killed in a vehicle collision or deer killed by other ~~non-hunting~~ methods ~~to a Regional Office~~ will provide the following information:

a) Name, and address, and telephone number of individual possessing deer;

~~b) Vehicle license number of auto colliding with deer, or cause of death;~~

b)~~c)~~ Sex of deer ~~and approximate weight~~;

~~d) Number of fetuses from female deer, if any;~~

c)~~e)~~ Location of kill, ~~time and date when deer was picked up~~.

(Source: Amended at 23 Ill. Reg. 8387, effective JUL - 7 1999)

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1) Heading of the Part: Dog Training on Department-Owned or - Managed Sites

2) Code Citation: 17 Ill. Adm. Code 950

3) Section Numbers: Adopted Action:
950.40 Amendments
950.50 Repealed

4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

5) Effective Date of Amendments: July 7, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999, 23 Ill. Reg. 3904

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Subsections (c)(6), (7) and (8) were relabeled (c)(1), (2) and (3).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 950.40 is being amended to add language indicating that dog training on Department sites is authorized only in designated areas; add language indicating only handguns and shotguns with blank cartridges shall be used on DNR sites except shotguns with shot shells may be used for shoot-to-retrieve training; add language indicating shot shells that shall be used for shoot- to-retrieve dog training; add language regarding requirements that individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange and that they are required to wear a back patch issued at the site headquarters; and update



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sites where dog training is available. Section 950.50 is being repealed because Section 950.40 is being amended to include these regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 950
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section
950.10 Statewide Regulations
950.20 Definitions
950.30 Permit Requirements
950.40 Dog Training Seasons and Regulations
950.50 Dog Training Regulations (Repealed)
950.60 Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8392, effective JUL - 7 1999.

**Section 950.40 Dog Training Seasons and Regulations**

a) Dog training is prohibited on Department sites except in designated areas.

b)~~a~~ The use of horses for dog training purposes is prohibited except at the sites designated by (1).

c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the site(s) designated by (2).

1) Only shot shells with a shot size of No. 6 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for shoot-to-retrieve dog training.

2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.

3) Individuals participating in shoot-to-retrieve dog training are required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.



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d)~~b~~ Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park ( January 1 - March 31, except north of Allen Branch open per statewide regulations)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park

Iroquois County Wildlife Management Area

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and ~~Middlefork~~ Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

~~Railsplitter State Park~~

~~Rock Cut State Park~~

Saline County Conservation Area

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Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

e)~~c)~~ Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

Des Plaines Conservation ~~State Fish and Wildlife~~ Area (closed during site's upland game season) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Randolph County Conservation Area

Rock Cut State Park

(Source: Amended at 23 Ill. Reg. 8392 - 7 effective JUL - 7 1999 )

Section 950.50 Dog Training Regulations (Repealed)

~~It shall be unlawful:~~
~~a) to train dogs on Department property except in designated areas;~~
~~b) to have any firearm in possession except that pistols and shotguns with blank cartridges may be used.~~

(Source: Repealed at 23 Ill. Reg. 8392 - 7 effective



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1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program

2) Code Citation: 17 Ill. Adm. Code 3025

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 3025.30 | Amendments |
| 3025.50 | Amendments |
| 3025.70 | Amendments |

4) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35]

5) Effective Date of Amendments: July 7, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 2, 1999, 23 Ill. Reg. 3910

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 3025.50(c) - new language, which is underscored, was removed; "prior to" was deleted; and "without" was added following "entered into"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments are necessary to reflect new operating procedures of the program and for clarification purposes. Grant funding will no longer be limited on individual projects but allocated solely on the basis of merit and greatest benefit to the State, and required billing documentation for development projects is being streamlined as a result of existing state audit requirements.



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16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3025
OPEN SPACE LANDS ACQUISITION
AND DEVELOPMENT GRANT PROGRAM

Section
3025.10 Program Objective
3025.20 Incorporation by Reference (Repealed)
3025.25 Eligibility Requirements
3025.30 Assistance Formula
3025.40 General Procedures for Grant Applications and Awards
3025.50 Eligible Project Costs
3025.60 Project Evaluation Priorities
3025.70 Program Compliance Requirements
3025.80 Program Information/Contact
3025.APPENDIX A Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

SOURCE: Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective August 3, 1998; amended at 23 Ill. Reg. 8398, effective JUL - 7 1999.

**Section 3025.30 Assistance Formula**

The OSLAD program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. ~~Maximum grant awards shall be limited to $200,000 per annual request for development projects and $400,000 for acquisition projects.~~

(Source: Amended at 23 Ill. Reg. 8398, effective JUL - 7 1999)

**Section 3025.50 Eligible Project Costs**

a) Grant assistance may be obtained for the following items:
   1) Land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes, including associated eligible appraisal costs. Eligible projects include, but are not limited to, acquisition of land for the following:



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      A) general park purposes such as community and neighborhood parks and playfields;
      B) frontage on public surface waters for recreation use;
      C) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features; and
      D) additions to such areas.
   2) Outdoor recreation area development costs (initial facility construction and/or rehabilitation) including, but not necessarily limited to, playfields, playcourts, playground equipment, picnic facilities, trails, camping areas, outdoor water sport facilities, nature study areas, and winter sport facilities as well as associated support facilities such as parking areas, access roads, shelters, interpretive centers, restrooms, safety lighting, potable water supply and other directly related support facilities. Professional design services deemed necessary for proper design and construction of the project are also eligible.

b) Acquisition of land from another public agency (excluding school districts) is not eligible for OSLAD grant assistance.

c) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account ~~agent~~ for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into without ~~prior to~~ Department approval. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.

d) No grant awards shall be awarded for the acquisition or development of land that will not be available for general public outdoor recreation use.

(Source: Amended at 23 Ill. Reg. 8398, effective JUL - 7 1999)

**Section 3025.70 Program Compliance Requirements**

a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD

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program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSLAD funds expended on the project:

| Total Grant Expenditure | Time Period after Final Grant Payment |
|---|---|
| $0 - $50,000 | 5 years |
| for every $10,000 increment over $50,000 | add 1 year |

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.

c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the ~~a permanent easement to the~~ property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), ~~or an approved lease arrangement of at least 20 years~~, unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable State and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.

d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.



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e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
   1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled check(s) showing proof of payment to seller.
   2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.

f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.

g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.

h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.

i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.

j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.

k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permit(s) may jeopardize approved grant funding.

l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
   1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
   2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's

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continued compliance with this Part.

3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

m) Conflict of Interests

1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

n) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

1) the illegality of sexual harassment;

2) the definition of sexual harassment under State law;

3) a description of sexual harassment utilizing examples;

4) the contractor's internal complaint process, including penalties;

5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and



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6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

p) Program Violations and Project Termination

1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 23 Ill. Reg. 8398, effective JUL -7 1999)

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1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: Adopted Action:
810.90 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) Effective Date of Amendments: July 7, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, or including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 2, 1999, 23 Ill. Reg. 3918

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 810.90(a)(3)(B) - a closing parenthesis was added following "limits".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|---|---|---|
| 810.90 | Amendments | June 25, 1999, 23 Ill. Reg. 7317 |

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments are being made to special exemptions to the site specific regulations for daily creel and size limits for national catch and release tournaments and special catch and release tournaments.



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16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 810
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section
810.10 Sale of Fish and Fishing Seasons
810.20 Snagging
810.30 Pole and Line Fishing Only (Repealed)
810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37 Definitions for Site Specific Sportfishing Regulations
810.40 Daily Catch and Size Limits (Repealed)
810.45 Site Specific Water Area Regulations
810.50 Bait Fishing
810.60 Bullfrogs (Repealed)
810.70 Free Fishing Days
810.80 Emergency Protective Regulations
810.90 Fishing Tournament Permit
810.100 Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. 3434, effective March 8, 1999; emergency amendment at 23 Ill. Reg. 7317, effective June 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8406, effective JUL - 7 1999.

**Section 810.90 Fishing Tournament Permit**

a) A fishing tournament permit from the Department of Natural Resources is needed if:
   1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
   2) The fishing event is conducted over a period of more than 5 days during any calendar year, and prizes with a total value in excess of $1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
   3) Special exemption to the site specific regulations for daily creel and size limit (not exceed the statewide statutory limits) is requested for:
      A) catch, hold for weigh-in, and release tournaments for muskies (all waters)~~, or smallmouth bass (Lake Michigan and streams except that the Mississippi, Ohio and Wabash~~



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~~Rivers---are---not---eligible---for---permits--which--exempt participants--from--site--specific--daily--catch--and---size limits);~~-and

B) black bass catch and release tournaments (Lake Michigan and streams except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits);

C) special catch and release tournaments for which the proceeds go towards youth education and/or charity type projects;

D) national catch and release tournaments; and

E)~~B)~~ special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

b) Requests for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.

c) Issuance or denial of a permit shall be based upon the following criteria:

1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.

2) The location of the tournament; catch and release management zones on streams are not eligible for permits.

3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.

4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:

A) biological status of the fish population, including the species sought;

B) length of the tournament;

C) number of boats and anglers participating in the tournament;

D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species; and

E) safety of anglers and potential boater-user conflicts.

5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:

A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.

B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.



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C) If a common release boat or vehicle is utilized, the anglers transporting the fish to be released are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.

B) Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

d) Failure to acquire a permit as referenced in subsection (a) above is a petty offense and will result in denial of future applications for a Fishing Tournament Permit by that applicant, sponsor or group for a period up to 5 years.

(Source: Amended at 23 Ill. Reg. 8406, effective JUL - 7 1999)

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1) Heading of the Part: Pretreatment Programs

2) Code citation: 35 Ill. Adm. Code 310

3) Section numbers: Adopted action:
310.107 Amended

4) Statutory authority: 415 ILCS 5/22.40 and 27

5) Effective date of amendments: July 12, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. See incorporations in 35 Ill. Adm. Code 310.107.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: 23 Ill. Reg. 5446 (May 7, 1999)

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: The final version is substantially the same as the proposal; however, the final version incorporates an additional federal action taken by the United States Environmental Protection Agency (USEPA). On March 16, 1999, the USEPA published additional amendments which corrected a minor typographical error contained in the federal action taken on March 4, 1999, which itself corrected errors in a September 21, 1998 federal action. Inclusion of the March 4 and 16, 1999 amendments in this docket is necessary to minimize confusion to the regulated community and the general public.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.40(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect?



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No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of July 8, 1999 in R99-17, which opinion and order is available from the address below. Section 22.40 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The amendments to Part 310, as adopted in R99-17, update the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) which appeared in the Federal Register during the period of July 1, 1998 through December 31, 1998. During this period, USEPA amended its regulations as follows:

| Federal Action | Summary |
|---|---|
| July 22, 1998 (63 Fed. Reg. 39443) | Amendments to Pretreatment Standards and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry. The USEPA amended its pretreatment standards and new source performance standards for the organic pesticide chemicals manufacturing industry. The new standards increase the daily maximum and monthly average emission levels of the pesticide active ingredient (PAI) pendimethalin, based on actual industry monitoring data of the effluent concentration of PAIs in wastewaters treated by full-scale treatment systems. |
| September 21, 1998 (63 Fed. Reg. 50388) | Amendments to the Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. The USEPA amended its limitations of the discharge of pollutants into publicly owned treatment works (POTWs) by existing and new pharmaceutical manufacturing facilities. This federal action revises the limitations and standards for the "Fermentation", "Extraction", "Chemical Synthesis", and "Mixing, Compounding, and Formulating" sub-categories and also eliminates the "Research" sub-category for existing and new sources. |

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November 20, 1998 (63 Fed. Reg. 64417) — Revisions to Rain Mills Point Source Category. The USEPA revised the effluent limitations guidelines for the best practicable control technology currently available for the "Rain Mills Point Source" category.

Additionally, this proposal incorporates two federal actions taken after the above-stated time period:

| Federal Action | Summary |
|---|---|
| March 4, 1999 (64 Fed. Reg. 10391) | Corrections to Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. This action corrects typographical errors and errors in rounding of several numerical limitations which were adopted in the September 22, 1998 action summarized above. |
| March 16, 1999 (64 Fed. Reg. 13053) | Correction to Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. This action corrects one typographical error contained in the March 4, 1999 corrective action. |

Specifically, the segment of the amendments involved in Part 310 updates the limitations and standards applicable to the pharmaceutical manufacturing category of the wastewater pretreatment rules.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Karen L. Kavanagh
Attorney
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
312-814-6062

Request copies of the Board's opinion and order of July 8, 1999 in Docket R99-17 from the Board receptionist at 312-814-3620.



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The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
310.101 Applicability
310.102 Objectives
310.103 Federal Law
310.104 State Law
310.105 Confidentiality
310.107 Incorporations by Reference
310.110 Definitions
310.111 New Source

SUBPART B: PRETREATMENT STANDARDS

Section
310.201 General Prohibitions
310.202 Specific Prohibitions
310.210 Specific Limits Developed by POTW
310.211 Local Limits
310.220 Categorical Standards
310.221 Category Determination Request
310.222 Deadline for Compliance with Categorical Standards
310.230 Concentration and Mass Limits
310.232 Dilution
310.233 Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

Section
310.301 Special Definitions
310.302 Authority
310.303 Conditions for Authorization to Grant Removal Credits
310.310 Calculation of Revised Discharge Limits
310.311 Demonstration of Consistent Removal
310.312 Provisional Credits
310.320 Compensation for Overflow
310.330 Exception to POTW Pretreatment Requirement
310.340 Application for Removal Credits Authorization
310.341 Agency Review
310.343 Assistance of POTW
310.350 Continuance of Authorization



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310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

Section
310.400 Preamble
310.401 Pretreatment Permits
310.402 Time to Apply
310.403 Imminent Endangerment
310.410 Application
310.411 Certification of Capacity
310.412 Signatures
310.413 Site Visit
310.414 Completeness
310.415 Time Limits
310.420 Standard for Issuance
310.421 Final Action
310.430 Conditions
310.431 Duration of Permits
310.432 Schedules of Compliance
310.441 Effect of a Permit
310.442 Modification
310.443 Revocation
310.444 Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section
310.501 Pretreatment Programs Required
310.502 Deadline for Program Approval
310.503 Incorporation of Approved Programs in Permits
310.504 Incorporation of Compliance Schedules in Permits
310.505 Reissuance or Modification of Permits
310.510 Pretreatment Program Requirements
310.521 Program Approval
310.522 Contents of Program Submission
310.524 Content of Removal Allowance Submission
310.531 Agency Action
310.532 Defective Submission
310.533 Water Quality Management
310.541 Deadline for Review
310.542 Public Notice and Hearing
310.543 Agency Decision
310.544 USEPA Objection
310.545 Notice of Decision
310.546 Public Access to Submission
310.547 Appeal

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SUBPART F: REPORTING REQUIREMENTS

Section
310.601 Definition of Control Authority
310.602 Baseline Report
310.603 Compliance Schedule
310.604 Report on Compliance with Deadline
310.605 Periodic Reports on Compliance
310.606 Notice of Potential Problems
310.610 Monitoring and Analysis
310.611 Requirements for Non-Categorical Standard Users
310.612 Annual POTW Reports
310.613 Notification of Changed Discharge
310.621 Compliance Schedule for POTW's
310.631 Signatory Requirements for Industrial User Reports
310.632 Signatory Requirements for POTW Reports
310.633 Fraud and False Statements
310.634 Recordkeeping Requirements
310.635 Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section
310.701 Definition of Requester
310.702 Purpose and Scope
310.703 Criteria
310.704 Fundamentally Different Factors
310.705 Factors which are Not Fundamentally Different
310.706 More Stringent State Law
301.711 Application Deadline
310.712 Contents of FDF Request
310.713 Deficient Requests
310.714 Public Notice
310.721 Agency Review of FDF Requests
310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section
310.801 Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section
310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
310.904 Burden of Proof
310.905 Reviewability of Claims of Upset



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310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section
310.910 Definition
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912 Notice
310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section
310.920 General
310.921 Substantial Modifications Defined
310.922 Approval Procedures for Substantial Modifications
310.923 Approval Procedures for Non-Substantial Modifications
310.924 Incorporation of Modifications into the Permit

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective JUL 12 1999.

SUBPART A: GENERAL PROVISIONS

**Section 310.107 Incorporations by Reference**

a) The following publications are incorporated by reference:
   1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
   2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.

b) The following provisions of the Code of Federal regulations are incorporated by reference:
   40 CFR 2.302 (1994)
   40 CFR 25 (1994)

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40 CFR 122, Appendix D, Tables II and III (1994)
40 CFR 128.140(b) (1977)
40 CFR 136 (1998~~1996~~), as amended at 63 Fed. Reg. 50388, September 21, 1998
40 CFR 403 (1996)
40 CFR 403, Appendix D (1994)

c) The following federal statutes are incorporated by reference:
1) Section 1001 of the Criminal Code (18 USC ~~U.S.C.~~ 1001) as of July 1, 1988;
2) Clean Water Act (33 USC ~~U.S.C.~~ 1251 et seq.) as of July 1, 1988;
3) Subtitles C and D of the Resource Conservation and Recovery Act (42 USC ~~U.S.C.~~ 6901 et seq.) as of July 1, 1988.

d) This Part incorporates no future editions or amendments.

(Source: Amended at 23 Ill. Reg. 8412, effective JUL 12 1999)



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1) Heading of the Part: Sewer Discharge Criteria

2) Code citation: 35 Ill. Adm. Code 307

3)

| Section numbers: | Adopted action: |
|---|---|
| 307.4900 | Amended |
| 307.4901 | Amended |
| 307.4902 | Amended |
| 307.4903 | Amended |
| 307.4904 | Amended |
| 307.4905 | Repealed |
| 307.6501 | Amended |

4) Statutory authority: 415 ILCS 5/13, 13.3 and 27

5) Effective date of amendments: July 12, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. See incorporations in 35 Ill. Adm. Code 307.4900 through 307.4904 and 307.6501.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: 23 Ill. Reg. 5454 (May 7, 1999)

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35 and 5-40] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: The final version is substantially the same as the proposal; however, the final version incorporates an additional federal action taken by the United States Environmental Protection Agency (USEPA). On March 16, 1999, the USEPA published additional amendments which corrected a minor typographical error contained in the federal action taken on March 4, 1999, which itself corrected errors in a September 21, 1998 federal action. Inclusion of the March 4 and 16, 1999 amendments in this docket is necessary to minimize confusion to the regulated community and the general public.

12) Have all the changes agreed upon by the Board and JCAR been made as

POLLUTION CONTROL BOARD

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indicated in the agreements issued by JCAR? Section 22.40(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of July 8, 1999 in R99-17, which opinion and order is available from the address below. Section 22.40 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The amendments to Part 307, as adopted in R99-17, update the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) which appeared in the Federal Register during the period of July 1, 1998 through December 31, 1998. During this period, USEPA amended its regulations as follows:

| Federal Action | Summary |
|---|---|
| July 22, 1998<br>(63 Fed. Reg. 39443) | Amendments to Pretreatment Standards and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry. The USEPA amended its pretreatment standards and new source performance standards for the organic pesticide chemicals manufacturing industry. The new standards increase the daily maximum and monthly average emission levels of the pesticide active ingredient (PAI) pendimethalin, based on actual industry monitoring data of the effluent concentration of PAIs in wastewaters treated by full-scale treatment systems. |
| September 21, 1998<br>(63 Fed. Reg. 50388) | Amendments to the Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. The USEPA amended its limitations of the discharge of pollutants into publicly owned treatment works (POTWs) by existing and new pharmaceutical manufacturing facilities. This federal action revises the limitations and standards for the "Fermentation", "Extraction", "Chemical Synthesis", and "Mixing, Compounding, and Formulating" sub-categories and also eliminates the "Research" sub-category for existing and new sources. |
| November 20, 1998<br>(63 Fed. Reg. 64417) | Revisions to Rain Mills Point Source Category. The USEPA revised the effluent limitations guidelines for the best practicable control technology currently available for the "Rain Mills Point Source" category. |



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Additionally, this proposal incorporates two federal actions taken after the above-stated time period:

| Federal Action | Summary |
|---|---|
| March 4, 1999<br>(64 Fed. Reg. 10391) | Corrections to Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. This action corrects typographical errors and errors in rounding of several numerical limitations which were adopted in the September 22, 1998 action summarized above. |
| March 16, 1999<br>(64 Fed. Reg. 13053) | Correction to Pharmaceutical Manufacturing Category Pretreatment Standards and New Source Performance Standards. This action corrects one typographical error contained in the March 4, 1999 corrective action. |

Specifically, the segment of the amendments involved in Part 307 updates the limitations and standards applicable to the pesticide chemical manufacturing and the pharmaceutical manufacturing categories of the wastewater pretreatment rules.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] does not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Karen L. Kavanagh
Attorney

POLLUTION CONTROL BOARD

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Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
312-814-6062

Request copies of the Board's opinion and order of July 8, 1999 in Docket R99-17 from the Board receptionist at 312-814-3620.

The full text of the adopted amendments begins on the next page:



POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section
307.101 Preamble (Renumbered)
307.102 General Requirements (Renumbered)
307.103 Mercury (Renumbered)
307.104 Cyanide (STORET number 00720) (Renumbered)
307.105 Pretreatment Requirements (Repealed)
307.1001 Preamble
307.1002 Definitions
307.1003 Test Procedures for Measurement
307.1005 Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section
307.1101 General and Specific Requirements
307.1102 Mercury
307.1103 Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section
307.1501 Receiving Stations
307.1502 Fluid Products
307.1503 Cultured Products
307.1504 Butter
307.1505 Cottage Cheese and Cultured Cream Cheese
307.1506 Natural and Processed Cheese
307.1507 Fluid Mix for Ice Cream and other Frozen Desserts
307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1509 Condensed Milk
307.1510 Dry Milk
307.1511 Condensed Whey
307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section
307.1601 Corn Wet Milling
307.1602 Corn Dry Milling

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307.1603 Normal Wheat Flour Milling
307.1604 Bulgur Wheat Flour Milling
307.1605 Normal Rice Milling
307.1606 Parboiled Rice Milling
307.1607 Animal Feed
307.1608 Hot Cereal
307.1609 Ready-to-eat Cereal
307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
307.1700 General Provisions
307.1701 Apple Juice
307.1702 Apple Products
307.1703 Citrus Products
307.1704 Frozen Potato Products
307.1705 Dehydrated Potato Products
307.1706 Canned and Preserved Fruits
307.1707 Canned and Preserved Vegetables
307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
307.1801 Farm-raised Catfish
307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
307.1901 Beet Sugar Processing
307.1902 Crystalline Cane Sugar Refining
307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
307.2000 General Provisions
307.2001 Wool Scouring
307.2002 Wool Finishing
307.2003 Low Water Use Processing
307.2004 Woven Fabric Finishing
307.2005 Knit Fabric Finishing
307.2006 Carpet Finishing
307.2007 Stock and Yarn Finishing
307.2008 Nonwoven Manufacturing
307.2009 Felted Fabric Processing



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SUBPART L: CEMENT MANUFACTURING

Section
307.2101 Nonleaching
307.2102 Leaching
307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section
307.2201 General
307.2202 Ducks

SUBPART N: ELECTROPLATING

Section
307.2300 General Provisions
307.2301 Electroplating of Common Metals
307.2302 Electroplating of Precious Metals
307.2304 Anodizing
307.2305 Coatings
307.2306 Chemical Etching and Milling
307.2307 Electroless Plating
307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section
307.2400 General Provisions
307.2401 Rayon Fibers
307.2402 Other Fibers
307.2403 Thermoplastic Resins
307.2404 Thermosetting Resins
307.2405 Commodity Organic Chemicals
307.2406 Bulk Organic Chemicals
307.2407 Specialty Organic Chemicals
307.2410 Indirect Discharge Point Sources
307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
307.2491 Complexed Metal-bearing Wastestreams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section
307.2500 General Provisions
307.2501 Aluminum Chloride Production
307.2502 Aluminum Sulfate Production
307.2503 Calcium Carbide Production
307.2504 Calcium Chloride Production

307.2505 Calcium Oxide Production
307.2506 Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508 Hydrofluoric Acid Production
307.2509 Hydrogen Peroxide Production
307.2511 Potassium Metal Production
307.2512 Potassium Dichromate Production
307.2513 Potassium Sulfate Production
307.2514 Sodium Bicarbonate Production
307.2516 Sodium Chloride Production
307.2517 Sodium Dichromate and Sodium Sulfate Production
307.2520 Sodium Sulfite Production
307.2522 Titanium Dioxide Production
307.2523 Aluminum Fluoride Production
307.2524 Ammonium Chloride Production
307.2527 Borax Production
307.2528 Boric Acid Production
307.2529 Bromine Production
307.2530 Calcium Carbonate Production
307.2531 Calcium Hydroxide Production
307.2533 Carbon Monoxide and Byproduct Hydrogen Production
307.2534 Chrome Pigments Production
307.2535 Chromic Acid Production
307.2536 Copper Salts Production
307.2538 Ferric Chloride Production
307.2540 Fluorine Production
307.2541 Hydrogen Production
307.2542 Hydrogen Cyanide Production
307.2543 Iodine Production
307.2544 Lead Monoxide Production
307.2545 Lithium Carbonate Production
307.2547 Nickel Salts Production
307.2549 Oxygen and Nitrogen Production
307.2550 Potassium Chloride Production
307.2551 Potassium Iodide Production
307.2553 Silver Nitrate Production
307.2554 Sodium Bisulfite Production
307.2555 Sodium Fluoride Production
307.2560 Stannic Oxide Production
307.2563 Zinc Sulfate Production
307.2564 Cadmium Pigments and Salts Production
307.2565 Cobalt Salts Production
307.2566 Sodium Chlorate Production
307.2567 Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section



307.2701 Soap Manufacturing by Batch Kettle
307.2702 Fatty Acid Manufacturing by Fat Splitting
307.2703 Soap Manufacturing by Fatty Acid Neutralization
307.2704 Glycerine Concentration
307.2705 Glycerine Distillation
307.2706 Manufacture of Soap Flakes and Powders
307.2707 Manufacture of Bar Soaps
307.2708 Manufacture of Liquid Soaps
307.2709 Oleum Sulfonation and Sulfation
307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712 Sulfamic Acid Sulfation
307.2713 Chlorosulfonic Acid Sulfation
307.2714 Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715 Manufacture of Spray Dried Detergents
307.2716 Manufacture of Liquid Detergents
307.2717 Manufacturing of Detergents by Dry Blending
307.2718 Manufacture of Drum Dried Detergents
307.2719 Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section

307.2801 Phosphate
307.2802 Ammonia
307.2803 Urea
307.2804 Ammonium Nitrate
307.2805 Nitric Acid
307.2806 Ammonium Sulfate Production
307.2807 Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section

307.2901 Topping
307.2902 Cracking
307.2903 Petrochemical
307.2904 Lube
307.2905 Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section

307.3000 General Provisions
307.3001 Cokemaking
307.3002 Sintering
307.3003 Ironmaking
307.3004 Steelmaking

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307.3005 Vacuum Degassing
307.3006 Continuous Casting
307.3007 Hot Forming
307.3008 Salt Bath Descaling
307.3009 Acid Pickling
307.3010 Cold Forming
307.3011 Alkaline Cleaning
307.3012 Hot Coating

SUBPART V: NONFERROUS METALS MANUFACTURING

Section
307.3100 General Provisions
307.3101 Bauxite Refining
307.3102 Primary Aluminum Smelting
307.3103 Secondary Aluminum Smelting
307.3104 Primary Copper Smelting
307.3105 Primary Electrolytic Copper Refining
307.3106 Secondary Copper
307.3107 Primary Lead
307.3108 Primary Zinc
307.3109 Metallurgical Acid Plants
307.3110 Primary Tungsten
307.3111 Primary Columbium-Tantalum
307.3112 Secondary Silver
307.3113 Secondary Lead
307.3114 Primary Antimony
307.3115 Primary Beryllium
307.3116 Primary and Secondary Germanium and Gallium
307.3117 Secondary Indium
307.3118 Secondary Mercury
307.3119 Primary Molybdenum and Rhenium
307.3120 Secondary Molybdenum and Vanadium
307.3121 Primary Nickel and Cobalt
307.3122 Secondary Nickel
307.3123 Primary Precious Metals and Mercury
307.3124 Secondary Precious Metals
307.3125 Primary Rare Earth Metals
307.3126 Secondary Tantalum
307.3127 Secondary Tin
307.3128 Primary and Secondary Titanium
307.3129 Secondary Tungsten and Cobalt
307.3130 Secondary Uranium
307.3131 Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section



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307.3301 Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section
307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403 Slag Processing
307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405 Other Calcium Carbide Furnaces
307.3406 Electrolytic Manganese Products
307.3407 Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section
307.3500 General Provisions
307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502 Hair Save, Chrome Tan, Retan-Wet Finish
307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504 Retan-Wet Finish-Sides
307.3505 No Beamhouse
307.3506 Through-the-Blue
307.3507 Shearling
307.3508 Pigskin
307.3509 Retan-Wet Finish-Splits
307.3590 Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section
307.3601 Insulation Fiberglass
307.3602 Sheet Glass Manufacturing
307.3603 Rolled Glass Manufacturing
307.3604 Plate Glass Manufacturing
307.3605 Float Glass Manufacturing
307.3606 Automotive Glass Tempering
307.3607 Automotive Glass Laminating
307.3608 Glass Container Manufacturing
307.3610 Glass Tubing (Danner) Manufacturing
307.3611 Television Picture Tube Envelope Manufacturing
307.3612 Incandescent Lamp Envelope Manufacturing
307.3613 Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

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Section
307.3701 Asbestos-Cement Pipe
307.3702 Asbestos-Cement Sheet
307.3703 Asbestos Paper (Starch Binder)
307.3704 Asbestos Paper (Elastomeric Binder)
307.3705 Asbestos Millboard
307.3706 Asbestos Roofing
307.3707 Asbestos Floor Tile
307.3708 Coating or Finishing of Asbestos Textiles
307.3709 Solvent Recovery
307.3710 Vapor Absorption
307.3711 Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

Section
307.3801 Tire and Inner Tube Plants
307.3802 Emulsion Crumb Rubber
307.3803 Solution Crumb Rubber
307.3804 Latex Rubber
307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806 Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807 Large-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3808 Wet Digestion Reclaimed Rubber
307.3809 Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810 Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811 Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section
307.3900 General Provisions
307.3901 Barking
307.3902 Veneer
307.3903 Plywood
307.3904 Dry Process Hardboard
307.3905 Wet Process Hardboard
307.3906 Wood Preserving-Water Borne or Nonpressure
307.3907 Wood Preserving-Steam
307.3908 Wood Preserving-Boulton
307.3909 Wet Storage
307.3910 Log Washing
307.3911 Sawmills and Planing Mills
307.3912 Finishing
307.3913 Particleboard Manufacturing
307.3914 Insulation Board
307.3915 Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities



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307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section
307.4000 General Provisions
307.4001 Dissolving Kraft
307.4002 Bleached Papergrade Kraft and Soda
307.4003 Unbleached Kraft
307.4004 Dissolving Sulfite
307.4005 Papergrade Sulfite
307.4006 Semi-Chemical
307.4007 Mechanical Pulp
307.4008 Non-Wood Chemical Pulp
307.4009 Secondary Fiber Deink
307.4010 Secondary Fiber Non-Deink
307.4011 Fine and Lightweight Papers from Purchased Pulp
307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013 Groundwood-Thermo-Mechancial (Repealed)
307.4014 Groundwood-CMN Papers (Repealed)
307.4015 Groundwood-Fine Papers (Repealed)
307.4016 Soda (Repealed)
307.4017 Deink (Repealed)
307.4018 Nonintegrated-Fine Papers (Repealed)
307.4019 Nonintegrated-Tissue Papers (Repealed)
307.4020 Tissue From Wastepeper (Repealed)
307.4021 Papergrade Sulfite (Drum Wash) (Repealed)
307.4022 Unbleached Kraft and Semi-Chemical (Repealed)
307.4023 Wastepaper-Molded Products (Repealed)
307.4024 Nonintegrated-Lightweight Papers (Repealed)
307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026 Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS (Repealed)

Section
307.4101 Builder's Paper and Roofing Felt (Repealed)

SUBPART BG: MEAT PRODUCTS

Section
307.4201 Simple Slaughterhouse
307.4202 Complex Slaughterhouse
307.4203 Low-Processing Packinghouse
307.4204 High-Processing Packinghouse
307.4205 Small Processor
307.4206 Meat Cutter

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307.4207 Sausage and Luncheon Meats Processor
307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
307.4300 General Provisions
307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
307.4900 General Provisions
307.4901 Fermentation Products
307.4902 Extraction Products
307.4903 Chemical Synthesis Products
307.4904 Mixing/Compounding and Formulation
307.4905 Research (Repealed)

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
307.5301 Asphalt Emulsion
307.5302 Asphalt Concrete
307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BD: PAINT FORMULATING

Section
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments



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SUBPART CG: CARBON BLACK MANUFACTURING

Section
307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
307.7100 General Provisions
307.7101 Cadmium
307.7102 Calcium
307.7103 Lead
307.7104 Leclanche
307.7105 Lithium
307.7106 Magnesium
307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
307.7300 General Provisions
307.7301 Contact Cooling and Heating Water
307.7302 Cleaning Water
307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
307.7400 General Provisions
307.7401 Aluminum Casting
307.7402 Copper Casting
307.7403 Ferrous Casting
307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
307.7500 General Provisions
307.7501 Steel Basis Material
307.7502 Galvanized Basis Material
307.7503 Aluminum Basis Material
307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

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Section
307.7600 General Provieione
307.7601 Steel Basie Material
307.7602 Caet Iron Basie Material
307.7603 Aluminum Baeie Material
307.7604 Copper Basie Material

SUBPART CP: ALUMINUM FORMING

Section
307.7700 General Provisione
307.7701 Rolling With Neat Oile
307.7702 Rolling With Emuleione
307.7703 Extrueion
307.7704 Forging
307.7705 Drawing With Neat Oile
307.7706 Drawing With Emuleione or Soaps

SUBPART CQ: COPPER FORMING

Section
307.7800 General Provieione
307.7801 Copper Forming
307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section
307.7901 Semiconductor
307.7902 Electronic Cryetale
307.7903 Cathode Ray Tube
307.7904 Luminescent Materiale

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section
307.8100 General Provisione
307.8101 Lead-Tin-Biamuth Forming
307.8102 Magneeium Forming
307.8103 Nickel-Cobalt Forming
307.8104 Precioue Metale Forming
307.8105 Refractory Metale Forming
307.8106 Titanium Forming
307.8107 Uranium Forming
307.8108 Zinc Forming
307.8109 Zirconium-Hafnium Forming
307.8110 Metal Powders



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APPENDIX A References to Previous Rulee (Repealed)

AUTHORITY: Implementing Sectione 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective JUL 12 1999.

SUBPART BN: PHARMACEUTICAL MANUFACTURING

**Section 307.4900 General Provisions**

a) Applicability. This Subpart applies to any pharmaceutical manufacturing facility which introducee or may introduce procese wastewater pollutants into a POTW.

b) General definitione. The Board incorporates by reference 40 CFR 439.1 (1998~~1986~~), ae amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.

c) Monitoring requiremente. The Board incorporates by reference 40 CFR 439.4 ~~439.2~~ (1998~~1986~~), ae amended at 63 Fed. Reg. 50388, September 21, 1998. Thie incorporation includes no later amendmente or editione.

d) General pretreatment standards. The Board incorporates by reference 40 CFR 439.3 (1998), ae amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendmente or editione.

e) Surrogate parametere for indirect diechergere. The Board incorporates by reference 40 CFR 439.3 (1998), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. Thie incorporation includes no later amendments or editions.

(Source: Amended at 23 Ill. Reg. 8421, effective

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Section 307.4901 Fermentation Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by fermentation.
b) Specialized definitions. The Board incorporates by reference 40 CFR 439.11 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
c) Existing sources:
   1) The Board incorporates by reference 40 CFR 439.16 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources:
   1) The Board incorporates by reference 40 CFR 439.17 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 23 Ill. Reg. 8421, effective JUL 12 1999 )

Section 307.4902 Extraction Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by extraction.
b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
c) Existing sources:
   1) The Board incorporates by reference 40 CFR 439.26 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources:
   1) The Board incorporates by reference 40 CFR 439.27 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 23 Ill. Reg. 8421, effective JUL 12 1999 )



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 307.4903 Chemical Synthesis Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by chemical syntheeis.
b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
c) Existing sources:
   1) The Board incorporates by reference 40 CFR 439.36 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources:
   1) The Board incorporates by reference 40 CFR 439.37 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998, and at 64 Fed. Reg. 10391, March 4, 1999. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 23 Ill. Reg. 8421, effective JUL 12 1999 )

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

**Section 307.4904 Mixing/Compounding and Formulation**

a) Applicability. This Section applies to discharges resulting from mixing/compounding and formulation operations of pharmaceutical products.
b) Specialized definitions. The Board incorporates by reference 40 CFR 439.41 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
c) Existing sources:
   1) The Board incorporates by reference 40 CFR 439.46 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources:
   1) The Board incorporates by reference 40 CFR 439.47 (1998~~1986~~), as amended at 63 Fed. Reg. 50388, September 21, 1998. This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 23 Ill. Reg. 8421, effective JUL 12 1999)

**Section 307.4905 Research Repealed**

~~a) Applicability.--This Section applies to discharges resulting from pharmaceutical research.~~
~~b) Specialized definitions.---The Board incorporates by reference 40 CFR 439.51 (1986).--This incorporation includes no later amendments or editions.~~
~~c) Existing sources:~~
   ~~1) The Board incorporates by reference 40 CFR 439.56 (1986).--This incorporation includes no later amendments or editions.~~
   ~~2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.~~
~~d) New sources:~~
   ~~1) The Board incorporates by reference 40 CFR 439.57 (1986).--This incorporation includes no later amendments or editions.~~



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   ~~2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.~~
   ~~3) "New source" means any building, structure, facility or installation the construction of which commenced after November 26, 1982.~~

(Source: Repealed at 23 Ill. Reg. 8421, effective JUL 12 1999)

SUBPART CD: PESTICIDE CHEMICALS

**Section 307.6501 Organic Pesticide Chemicals Manufacturing**

a) Applicability.
   1) The Board incorporates by reference 40 CFR 455.20 (1998~~1994~~), as amended at 63 Fed. Reg. 39443, July 22, 1998. This incorporation includes no later amendments or editions.
   2) This Section applies to discharges resulting from any plant which manufactures organic pesticide chemicals, as defined in the materials incorporated by reference in subsection (a)(1).
b) Specialized definitions. The Board incorporates by reference 40 CFR 455.21 (1994). This incorporation includes no later amendments or editions.
c) Existing sources:
   1) The Board incorporates by reference 40 CFR 455.26 (1994). This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources:
   1) The Board incorporates by reference 40 CFR 455.27 (1994). This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)~~(c)~~(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 23 Ill. Reg. 8421, effective JUL 12 1999)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Airport Construction Contracts

2) Code Citation: 44 Ill. Adm. Code 685

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 685.10 | Repeal |
| 685.210 | Repeal |
| 685.215 | Repeal |
| 685.220 | Repeal |
| 685.225 | Repeal |
| 685.230 | Repeal |
| 685.235 | Repeal |
| 685.240 | Repeal |
| 685.245 | Repeal |
| 685.250 | Repeal |
| 685.255 | Repeal |
| 685.260 | Repeal |
| 685.265 | Repeal |
| 685.270 | Repeal |
| 685.275 | Repeal |
| 685.280 | Repeal |
| 685.285 | Repeal |
| 685.290 | Repeal |
| 685.295 | Repeal |
| 685.310 | Repeal |
| 685.320 | Repeal |
| 685.330 | Repeal |
| 685.340 | Repeal |
| 685.350 | Repeal |
| 685.360 | Repeal |
| 685.370 | Repeal |
| 685.380 | Repeal |
| 685.390 | Repeal |
| 685.410 | Repeal |
| 685.420 | Repeal |
| 685.430 | Repeal |
| 685.440 | Repeal |
| 685.450 | Repeal |
| 685.460 | Repeal |
| 685.470 | Repeal |
| 685.480 | Repeal |
| 685.490 | Repeal |
| 685.510 | Repeal |
| 685.520 | Repeal |
| 685.530 | Repeal |
| 685.540 | Repeal |
| 685.550 | Repeal |
| 685.560 | Repeal |



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NOTICE OF ADOPTED REPEALER

| | |
|---|---|
| 685.570 | Repeal |

| Section Numbers: | Adopted Action: |
|---|---|
| 685.580 | Repeal |
| 685.585 | Repeal |
| 685.590 | Repeal |
| 685.592 | Repeal |
| 685.595 | Repeal |
| 685.598 | Repeal |
| 685.610 | Repeal |
| 685.615 | Repeal |
| 685.620 | Repeal |
| 685.625 | Repeal |
| 685.630 | Repeal |
| 685.635 | Repeal |
| 685.640 | Repeal |
| 685.645 | Repeal |
| 685.650 | Repeal |
| 685.655 | Repeal |
| 685.660 | Repeal |
| 685.665 | Repeal |
| 685.670 | Repeal |
| 685.675 | Repeal |
| 685.680 | Repeal |
| 685.685 | Repeal |
| 685.690 | Repeal |
| 685.710 | Repeal |
| 685.720 | Repeal |
| 685.730 | Repeal |
| 685.740 | Repeal |
| 685.750 | Repeal |
| 685.760 | Repeal |
| 685.770 | Repeal |
| 685.780 | Repeal |
| 685.790 | Repeal |
| 685.795 | Repeal |
| 685.798 | Repeal |
| 685.810 | Repeal |
| 685.820 | Repeal |
| 685.830 | Repeal |
| 685.840 | Repeal |
| 685.850 | Repeal |
| 685.860 | Repeal |
| 685.870 | Repeal |
| 685.880 | Repeal |
| 685. APPENDIX A | Repeal |
| 685. TABLE A | Repeal |

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NOTICE OF ADOPTED REPEALER

4) Statutory Authority: Implementing Section 39 and authorized by Section 28 of the Illinois Aeronautics Act (Ill. Rev. Stat. 1981, ch. 15 1/2, pars. 22.39 and 22.28).

5) Effective Date of Repealer: July 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the office of chief counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999, 23 Ill. Reg. 3617

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by this Part.

16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jon Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
Room 311
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215



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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Highway Construction By Contract

2) Code Citation: 44 Ill. Adm. Code 675

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 675.10 | Repeal |
| 675.20 | Repeal |
| 675.30 | Repeal |
| 675.40 | Repeal |
| 675.50 | Repeal |
| 675.60 | Repeal |
| 675.70 | Repeal |
| 675.80 | Repeal |
| 675.90 | Repeal |
| 675.100 | Repeal |
| 675.110 | Repeal |
| 675.120 | Repeal |
| 675.210 | Repeal |
| 675.220 | Repeal |
| 675.230 | Repeal |
| 675.240 | Repeal |
| 675.250 | Repeal |
| 675.260 | Repeal |
| 675.270 | Repeal |
| 675.280 | Repeal |
| 675.290 | Repeal |
| 675.295 | Repeal |

4) Statutory Authority: Formerly the Illinois Purchasing Act [30 ILCS 505].

5) Effective Date of Repealer: July 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the office of chief counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999, 23 Ill. Reg. 3664

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as

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indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part was promulgated pursuant to the Illinois Purchasing Act [formerly 30 ILCS 505]. The Purchasing Act was repealed and replaced by the Illinois Procurement Code (the Code) [30 ILCS 500]. The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by this Part.

16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jon Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
Room 311
2300 South Dirksen Parkway
Springfield, Illinois 62764
217/782-3215



DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Inspection Procedures For Special Education School Buses

2) Code Citation: 92 Ill. Adm. Code 445

3) Section Numbers: 445.Appendix B — Adopted Action: Amend

4) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and chapter 13 of the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

5) Effective Date of Amendment: July 8, 1999

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and also in the Division of Traffic Safety and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 2, 1999, 23 Ill. Reg. 3933

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: By this Notice, the Department has inserted a provision that was inadvertently omitted from agreements made with the Joint Committee on Administrative Rules in August 1998 when the Part was last amended. The Department has inserted a provision at Section 445.Appendix B(d) that states that in buses manufactured prior to April 1, 1977, seat belts are optional.

16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted amendments begins on the next page:



DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 445
INSPECTION PROCEDURES FOR SPECIAL EDUCATION SCHOOL BUSES

Section
445.10 Purpose and Scope
445.20 Application
445.25 Incorporation by Reference of Federal Regulations
445.30 Standards of Construction
445.40 Definitions

APPENDIX A Procedures for Type I Special Education School Buses
APPENDIX B Procedures for Type II Special Education School Buses

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 4503, effective March 13, 1995; amended at 22 Ill. Reg. 16327, effective August 25, 1998; amended at 23 Ill. Reg. 8447, effective JUL - 8 1999.

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**Section 445.APPENDIX B Procedures for Type II Special Education School Buses**

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

a) Grab Handles

PROCEDURES/SPECIFICATIONS:

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

Grab handles are not securely attached, do not meet requirements or are missing.

b) Lifts and Ramps

PROCEDURES/SPECIFICATIONS:

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

REJECT VEHICLE IF:

Lifts and ramps do not operate properly or do not meet requirements.

1) Power Lift

PROCEDURES/SPECIFICATIONS:



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If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed that will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

REJECT VEHICLE IF:

Power lift does not operate properly or does not meet requirements.

2) Ramp

PROCEDURES/SPECIFICATIONS:

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

REJECT VEHICLE IF:

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Ramp does not operate properly or does not meet requirements.

c) Over Center Door Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly, does not meet requirements or is missing when required.

d) Seat Safety Belts

PROCEDURES/SPECIFICATIONS:

In buses manufactured on or after April 1, 1977, seat safety belts are required at each designated seating position and must meet all applicable requirements of 49 CFR 571.222.

Each seat safety belt must be readily available for quick and easy use. They must not show excessive wear and the buckle must function properly. If retractors are installed, they must be the automatic locking type.

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by students' aides and must be equipped with seat safety belts at each seating location used by an aide. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

In buses manufactured prior to April 1, 1977, seat belts are optional.

REJECT VEHICLE IF:

Seat safety belts do not meet requirements.

Barrier is not present in front of aide's seat and no seat safety belt is provided. No letter of exception provided.

e) Special Light

PROCEDURES/SPECIFICATIONS:



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Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

REJECT VEHICLE IF:

Special light does not operate properly, does not meet requirements or is missing.

f) Special Service Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

Bi-parting doors (if installed) must meet the following requirements:

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Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly. Does not meet requirements. Audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly or do not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

g) Wheelchair Occupant Restraints

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, 1994, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

A) Not less than one anchorage for the upper end of the upper torso restraint;

B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint; and



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C) Wheelchair occupant pelvic and upper torso restraints. (49 CFR 571.222)

REJECT VEHICLE IF:

Wheelchair occupant restraints do not meet requirements.

h) Wheelchair Securement Anchorages

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with forward-facing wheelchair securement anchorages. Additional securement anchorages that allow other than forward-facing orientation can be added to a wheelchair location provided the forward-facing anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (49 CFR 571.222)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (49 CFR 571.222)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages do not securely hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

1) Each wheelchair location is not equipped with foward-facing wheelchair securement anchorages. Additional anchorages do not meet same standards as existing anchorages.

2) Wheelchair securement anchorages do not meet requirements.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 8447, effective JUL - 8 1999)



DEPARTMENT OF TRANSPORTATIION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Railroad Maintenance By Contract

2) Code Citation: 44 Ill. Adm. Code 655

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 655.10 | Repeal |
| 655.20 | Repeal |
| 655.30 | Repeal |
| 655.40 | Repeal |
| 655.50 | Repeal |
| 655.60 | Repeal |
| 655.70 | Repeal |
| 655.80 | Repeal |
| 655.90 | Repeal |
| 655.100 | Repeal |
| 655.110 | Repeal |
| 655.120 | Repeal |
| 655.210 | Repeal |
| 655.220 | Repeal |
| 655.230 | Repeal |
| 655.240 | Repeal |
| 655.250 | Repeal |
| 655.260 | Repeal |
| 655.270 | Repeal |
| 655.280 | Repeal |
| 655.290 | Repeal |
| 655.295 | Repeal |
| 655.298 | Repeal |

4) Statutory Authority: Formerly the Illinois Purchasing Act [30 ILCS 505]

5) Effective Date of Repealer: July 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the office of chief counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999, 23 Ill. Reg. 3675

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

DEPARTMENT OF TRANSPORTATIION

NOTICE OF ADOPTED REPEALER

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part was promulgated pursuant to the Illinois Purchasing Act [formerly 30 ILCS 505]. The Purchasing Act was repealed and replaced by the Illinois Procurement Code (the Code) [30 ILCS 500]. The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by this Part.

16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jon Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
217/782-3215



DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Selection of Non-Architect-Engineering Consultant Firms

2) Code Citation: 44 Ill. Adm. Code 635

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 635.10 | Repeal |
| 635.20 | Repeal |
| 635.30 | Repeal |
| 635.40 | Repeal |
| 635.50 | Repeal |
| 635.60 | Repeal |
| 635.70 | Repeal |
| 635.80 | Repeal |

4) Statutory Authority: Formerly the Illinois Purchasing Act [30 ILCS 505]

5) Effective Date of Repealer: July 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the office of chief counsel and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 26, 1999, 23 Ill. Reg. 3685

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part was promulgated pursuant to the Illinois Purchasing Act [formerly 30 ILCS 505]. The Purchasing Act was repealed and replaced by the Illinois Procurement Code (the Code) [30 ILCS 500]. The Department recently adopted administrative rules (See Contract Procurement; 44 Ill. Adm. Code 660) that provide for the procurement practices of the Department formerly covered by this Part.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Jon Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215



ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Rate Setting

2) Code Citation: 89 III. Adm. Code 356

3)

| Section Numbers: | Emergency Actions: |
|---|---|
| 356.40 | Amended |
| 356.50 | Amended |

4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]

5) Effective Date of Rules: July 6, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date filed in Agency's office: July 6, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency rules implement a negotiated agreement between the Department and the private sector to prevent private sector agencies from suffering substantial financial decreases that would occur under the current rules imposed for State Fiscal Year 2000.

10) A Complete Description of the Subjects and Issues Involved: Special provisions for calculating individual rate reimbursement for private agency care rates will be calculated as outlined in current rules except for programs that would receive reductions. These programs will be held harmless at 1999 levels if both the 1998 cost reports and a program budget for Fiscal Year 2000 are submitted within 30 days of notice to the program.

If a program files a cost report but not a budget, the rate will not be held harmless and will be adjusted downwards, but in no instance shall the rate be less than 80% of the program's State Fiscal Year 1999 rate.

11) Are there any proposed amendments pending to this Part: No

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

13) Information and questions regarding this Rule shall be directed to:

Sue Howell
Office of Children and Family Policy
Department of Children and Family Services

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

406 East Monroe Street, Station #65
Springfield IL 62701
217/524-1983
Facsimile: 217/557-0692

The full text of the emergency rule is as follows:



ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 356
RATE SETTING

Section
356.1 Purpose (Renumbered)
356.2 Definitions (Renumbered)
356.3 Types of Reimbursement Made by the Department (Renumbered)
356.4 Cost Information Requirements of Providers (Renumbered)
356.5 Determining Rate Reimbursement Levels (Renumbered)
356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)
356.7 Notice and Appeal of Provider Rates (Renumbered)
356.10 Purpose
356.20 Definitions
356.30 Types of Reimbursement Made by the Department
356.40 Cost Information Requirements of Providers
EMERGENCY
356.50 Determining Rate Reimbursement Levels
EMERGENCY
356.60 Disallowable Costs and Reduced Reimbursement
356.70 Notice and Appeal of Provider Rates

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11851, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 18 Ill. Reg. 11512, effective July 8, 1994; emergency amendment at 20 Ill. Reg. 9265, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14390, effective November 1, 1996; emergency amendment at 23 Ill. Reg. 8461 effective July 6, 1999, for a maximum of 150 days.

**Section 356.40 Cost Information Requirements of Providers**
**EMERGENCY**

a) Cost Reporting - The Department shall require the annual filing of a certified cost report on a schedule provided by the Department. The time period covered by the cost report shall correspond to the Department's fiscal year unless otherwise approved by the Department. The Department may designate cost reports filed by the provider with other state agencies as suitable for fulfilling this requirement when those reports provide all of the information needed by the Department in a clear and usable way. Cost reports shall be available to the

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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general public upon written request. The Department will immediately notify a provider of any requests for its cost reports. No cost report will be released sooner than two weeks from the date the provider was notified of the request. The reports will be provided at cost.

b) Accrual Accounting - The provider shall use the accrual basis of accounting when reporting financial data.

c) Audits - Providers shall cooperate in any audits undertaken to verify the truth, accuracy, and completeness of reported costs, in accordance with 89 Ill. Adm. Code 434, Audits, Reviews, and Investigations.

d) Total Costs - Providers must report all costs of service and must disclose their total costs. Supporting documentation will be required to verify the costs allocated to each of the various services the Department purchases and to the sum of other services the agency provides. The reported total cost must be certified by an independent, certified auditor.

e) Historical Costs - Historical costs will be established when the provider has operated one or more years and independent auditors concur with the reported total costs. New providers who have not established their historical costs shall be permitted to submit budgeted information for the first fiscal reporting period. However, no rate increases shall be authorized for the next fiscal year until audited historical costs are available. When the rate increase is authorized based on historical costs, it will coincide with the effective date of the contract if the audit is received in accordance with contractual requirements.

f) Other Information Required - As a condition of contract issuance or renewal, the Department will request and ~~shall~~ receive promptly any other financial information, reasonably related to rate determination, needed to determine the provider's costs. For determining State Fiscal Year 2000 rates this shall include submission of program budgets.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8461, effective July 6, 1999, for a maximum of 150 days)

**Section 356.50 Determining Rate Reimbursement Levels**
**EMERGENCY**

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.30(b)(2) and (3).

a) Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.

b) For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative cost standard.



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c) Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal that clearly demonstrates that costs in excess of the standards are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.

d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase-of-service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.

e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in rate-setting if unusual circumstances beyond the control of the provider directly caused a significant change in occupancy rates.

f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs - For State Fiscal Year 2000 ~~1997~~ (from July 1, 1999 ~~1996~~ through June 30, 2000 ~~1997~~) all child care institutions, group homes, maternity centers, independent living, specialized foster care treatment, foster care and shelter programs rates will be calculated as outlined previously except that programs that would receive reductions will be held harmless at State Fiscal Year 1999 levels if both 1998 cost reports and a program budget for State Fiscal Year 2000 are submitted within 30 days after notice to the program. If a program fails to submit a cost report within the 30 day period the rate will be adjusted to 80% of the applicable State Fiscal Year 1999 rate. If a program files a cost report but not a budget the rate will not be held harmless and will be adjusted downward based on the rate calculation methodology, but in no instance shall the rate be less than 80% of the program's State Fiscal Year 1999 rate. ~~contracting with the Department of Children and Family Services will receive a three per cent cost of living adjustment based upon the payment rate~~

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~~which--was--being--received-as-of-June-30,-1996.~~ This rate adjustment for State Fiscal Year 2000 ~~1997~~ applies regardless of the other provisions of this Part.

1) The Department will conduct a joint rate calculation with the Illinois Department of Mental Health and Developmental Disabilities.

2) Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, residential programs will be grouped into two categories:
   A) Child Care Institutions and Group Homes; and
   B) Maternity Homes and approved Shelter programs.

3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983:
   A) the provider has built an entirely new building used directly by clients of the program,
   B) the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are $20,000 or more, or
   C) the provider has entered a first-time lease for a building used directly by program clients.

4) These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.

5) Historical costs, except depreciation, interest and amortization of allowable preoperating expenses shall be increased by inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most recent rate shall be used to determine the allowable maximum



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increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.

6) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Office of Contracts and Grants shall review the results and shall engage in further negotiations when an examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program under the terms of this Part with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:
   A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or
   B) the projected utilization agreed to by the Department and the provider.

g) Special Provisions for Calculation of Standard Rate Reimbursement Levels for Day Care Centers
   1) Reimbursement rates will be calculated from the costs and utilization information presented in the independent audits. Only reported costs of facilities under contract with the Department will be considered for calculating reimbursement rates.
   2) The Department will calculate standard reimbursement rates for all similar facilities. The facilities will be separated into geographic groupings that reflect the differences in costs due to geographic location. A standard reimbursement rate will be calculated for each geographic grouping.
   3) A portion of the fair market value of donated goods and services will be considered for the calculating of standard reimbursement rates. Day care centers are hereby excluded from the prohibition of inclusion of the costs of donated goods and services as stated in Section 356.60, Disallowable Costs and Reduced Reimbursement.
   4) The divisor applied to costs in order to calculate rates shall be the greater of 85 percent of the licensed or approved program capacity or actual units of service.
   5) The Department may make adjustments to reported wage and salary levels if it determines that they are insufficient to attract capable caregivers in sufficient numbers.

h) Special Provisions for Calculation of Standard Rate Reimbursement for Non-Center Based Day Care Programs

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1) Reimbursement rates will be calculated from the results of separate market surveys completed on licensed non-center based day care programs and on those not required to be licensed. For licensed non-center based programs, the market survey will be conducted using a statistically valid random Statewide sample of all such programs. For non-center based programs not required to be licensed, the statistically valid random sample will include an equal number of providers who accept State funds and those listed with the Statewide Child Care Resource and Referral Network but not funded by the State.
2) The Department will calculate separate reimbursement rates for licensed non-center based day care and for non-center based day care programs not required to be licensed. The non-center based day care programs will be separated into geographic groupings that reflect the differences in costs due to geographic location. Standard reimbursement rates will be calculated for each geographic grouping for licensed non-center based programs and for those not required to be licensed.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8461, effective July 6, 1999, for a maximum of 150 days)



STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 1600.80 | Amended |
| 1600.120 | New |
| 1600.130 | New |

4) Date Notice of Proposed Amendments Published in the Illinois Register:

July 9, 1999 23 Ill. Reg. 7707

5) Reason for Withdrawal Incorrect dollar amounts. This withdrawn rulemaking is being replaced by another proposed rulemaking that is being published in this issue of the *Illinois Register*.

DEPARTMENT OF CORRECTIONS

JULY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Records of Committed Persons, 20 Ill. Adm. Code 107

1) Rulemaking:

A) Description: This rulemaking will change the time frames in which a committed person may request a review of his or her behavior for possible restoration of good conduct credits. Additionally, the rule will be updated regarding a recent Supreme Court decision regarding the Truth in Sentencing Law and recent legislation affecting good conduct credits.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before January 1, 2000.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Work Release Programs, 20 Ill. Adm. Code 455

1) Rulemaking:

A) Description: This rulemaking will update the work release program, including requirements for eligibility and parameters for committed persons to receive privileges based on progress in community adjustment. Changes will also be made based on recent reorganization of the Department.

B) Statutory Authority: 730 ILCS 5/3-2-2



DEPARTMENT OF CORRECTIONS

JULY 1999 REGULATORY AGENDA

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before 1/1/2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Classification and Transfers, 20 Ill. Adm. Code 503

1) Rulemaking:

A) Description: This rulemaking will update procedures for transfers to mental health settings, including changes necessary due to recent reorganization and opening of new facilities.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before 1/1/2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court

DEPARTMENT OF CORRECTIONS

JULY 1999 REGULATORY AGENDA

P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Authorized Absences, 20 Ill. Adm. Code 530

1) Rulemaking:

A) Description: This rulemaking will update rules in accordance with recent organizational changes and provide for changes in privileges for committed persons assigned to the work release program consistent with changes to 20 Ill. Adm. Code 455.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before 1/1/2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Personal Property, 20 Ill. Adm. Code 535

1) Rulemaking:

A) Description: This administration is in the process of reducing the amount and restricting the type of personal property a committed person is permitted to possess in his



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JULY 1999 REGULATORY AGENDA

or her living area in all of its facilities. The rule will be updated to reflect these changes.

B) Statutory Authority: 730 ILCS 5/3-2-2

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before 1/1/2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6507

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JULY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Brownfields Redevelopment Loan Program, 35 Ill. Adm. Code 886.

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal to implement Section 58.15 of the Illinois Environmental Protection Act, 415 ILCS 5/58.15. The purpose of these rules is to provide municipalities and eligible private parties with financial assistance in the form of low-interest loans to be used for coordination of activities related to brownfields redevelopment; specifically, site assessment and site remediation, or both.

B) Statutory Authority: Implementing and authorized by Section 58.15 of the Illinois Environmental Protection Act [415 ILCS 5/58.15].

C) Scheduled meeting/hearing dates: The IEPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: January 1, 1999.

E) Affect on small businesses, small municipalities or not for profit corporations: The IEPA anticipates that small business, not-for- profit corporations and small municipalities may be affected by this rule.

F) Agency contact person for information:
Name: Robert J. Scherschligt
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield Illinois 62794-9276
Telephone: (217) 782-5544

G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Fund, 35 Ill. Adm. Code 365

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (IEPA) is proposing to amend the regulations for the Water Pollution Control Revolving Loan Program to reflect current federal requirements and to make them consistent with the



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JULY 1999 REGULATORY AGENDA

Agency regulations for the Public Water Supply Revolving Loan Program, 35 Ill. Adm. Code 367.

B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Illinois Environmental Protection Agency.

C) Scheduled meeting/hearing dates: No meetings or hearing are scheduled at this time.

D) Date agency anticipates First Notice: August 1, 1999

E) Affect on small businesses, small municipalities or not for profit corporations: The revolving loan program is available only to units of local government. This rulemaking will have no substantive effect on small municipalities.

F) Agency contact person for information:
Name: Ron Drainer
Address: Bureau of Water
Illinois Environmental Protection Agency
1020 North Grand Avenue East
PO Box 19276
Springfield Illinois 62794-9276
Telephone: (217) 782-2027

G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Procedures for Reporting Releases of Livestock Waste from Lagoons, 35 Ill. Adm. Code 580

1) Rulemaking:

A) Description: These amendments establish procedures to be followed by the owner or operator of a livestock waste handling facility or livestock waste transportation equipment to report releases of livestock waste to the Illinois Environmental Protection Agency. The amendments expand the reporting requirement of the existing rule from only livestock waste lagoons to include livestock waste handling facilities and transportation, but establish a reporting threshold for releases of less than 25 gallons that do not reach waters of the state or that are from controlled and recovered releases during field application of the livestock waste.

B) Statutory Authority: Authorized by Section 18 of the

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Livestock Management Facilities Act [510 ILCS 77/18] if Senate Bill 1199 is signed into law.

C) Scheduled meeting/hearing date: Not yet determined

D) Date agency anticipates First Notice: Summer 1999

E) Affect on small businesses, small municipalities or not for profit corporations: These procedures will affect owners and operators of livestock waste handling facilities or transportation equipment that may be small businesses.

F) Agency contact person for information:
Name: Tim Kluge
Manager, Field Operations Section
Division of Water Pollution Control
Bureau of Water
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: (217)782-3362

G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Annual Emissions Report, 35 Ill. Adm. Code 254

1) Rulemaking: No docket presently reserved.

A) Description: The proposed amendments are intended to address seasonal reporting needs of the Emissions Reduction Market System (ERMS) rule (R97-13), which became a final Pollution Control Board rule in November 1997. Certain clean-up items and revisions to enhance the Illinois EPA's ability to evaluate air quality strategies are also being considered as part of this rulemaking.

B) Statutory Authority: Implementing and authorized by Section 4(b) of the Illinois Environmental Protection Act [415 ILCS 5/4(b)].

C) Scheduled meeting/hearings dates: Fall 1999.

D) Date agency anticipates First Notice: Fall 1999.

E) Affect on small businesses, small municipalities or not for profit corporations: This rule may affect any small



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businesses, small municipalities, or not-for-profit corporations that are required to submit annual emission reports. The proposed amendments are procedural reporting requirements that impose no new obligations beyond those requirements of the ERMS rule.

F) Agency contact person for information:
Name: Bonnie R. Sawyer
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Procedures for Emissions Tests Averaging, 35 Ill. Adm. Code 283

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency is developing regulations that provide for the averaging of emissions tests results. These regulations would establish an averaging procedure for determining whether an emission unit that is subject to state testing requirements is in compliance with an applicable standard or limitation.

B) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Environmental Protection Act. [415 ILCS 5/4]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time.

D) Date agency anticipates First Notice: An IEPA submittal of a Notice of Proposed Rules to the Secretary of State will commence this proceeding and is expected to be filed in the Fall of 1999.

E) Affect on small businesses, small municipalities or not for profit corporations: These proposed regulations will affect those small businesses, small municipalities, or not-for-profit corporations that either own or operate any emission source that is subject to state emission testing requirements.

F) Agency contact person for information:

ENVIRONMENTAL PROTECTION AGENCY

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Name: Terry Sweitzer, Manager
Address: Air Monitoring Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone:217-782-5811

G) Related rulemakings and other pertinent information: No other presently-known proceeding would potentially impact Part 283.

f) Part(s) (Heading and Code Citation): Procedures to be Followed in the Performance of Inspections of Motor Vehicles Emissions, 35 Ill. Adm. Code 276

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) and its vehicle test contractor have begun Enhanced Vehicle Inspection and Maintenance (Enhanced I/M) testing under the Enhanced I/M test program required by the federal Clean Air Act (42 USC 7401 et seq.) and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5] in February 1999. The Agency has recently adopted amendments to part 726 which provided the necessary procedures for Enhanced I/M testing to begin. However, the Agency anticipates that experience gained through actual vehicle testing will identify adjustments and clarifications which will need to be made to the procedures contained in the current rules, and therefore, a new rulemaking may be required. Specific elements of this rulemaking are anticipated to be amendments to exhaust test procedures, and equipment calibration and maintenance procedures.

B) Statutory Authority: 625 ILCS 5/13B-20 and 415 ILCS 5/27 & 28.

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Agency anticipates holding one informational meeting in Fall 1999.

D) Date agency anticipates First Notice: Fall 1999.

E) Affect on small businesses, small municipalities or not for profit corporations: The Agency presently anticipates that this proceeding may affect small businesses, small



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municipalities, and not-for-profit corporations to the extent they own or operate motor vehicles that are subject to the amended regulations. The Agency anticipates that the effect of these proposed amendments would be positive, since the amendments will be designed to provide for a more accurate, efficient vehicle emissions test.

F) Agency contact person for information:
Name: Christopher P. Demeroukas, Atty.
Address: Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-5544

G) Related rulemaking and other pertinent information: Anticipated amendments to 35 Ill. Adm. Code 240 may impact the provisions anticipated to be in the proposed amendments to Part 276.

g) Part(s) (Heading and Code Citation): Accreditation and Operation of Environmental Laboratories, 35 Ill. Adm. Code 186.

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal to amend 35 Ill. Adm. Code 186 to respond to a recent audit of the Illinois EPA/Division of Laboratories (DOL) Environmental Laboratory Accreditation Program (IL. ELAP) by the United States Environmental Protection Agency's National Environmental Laboratory Accreditation Program (NELAP), and to recent changes to the National Environmental Laboratory Accreditation (NELAC) standards. The proposed amendments to the IEPA's rules in Part 186 are required for the IL ELAP to become a NEPAP-approved program.

B) Statutory Authority: Implementing and authorized by Sections 4(o) and 4(p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and 5/4(p)].

C) Scheduled meeting/hearing dates: The IEPA plans to meet with the ad-hoc Environmental Laboratory Advisory Committee by August 1, 1999.

D) Date agency anticipates First Notice: September 1, 1999.

E) Affect on small businesses, small municipalities or not for

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profit corporations: This rulemaking will allow commercial laboratories in Illinois to compete with commercial laboratories in other NELAP-approved states. In absence of this rulemaking, the IL ELAP would not be approved for NELAP, putting Illinois' commercial laboratories at a competitive disadvantage with commercial laboratories in other NELAP approved states.

F) Agency contact person for information:
Name: Ron Turpin, Manager
Laboratory Accreditation Section
Division of Laboratories
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-785-7475

G) Related rulemaking and other pertinent information: None

h) Part(s) (Heading and Code Citation): Technical Policy Statements, 35 Ill. Adm. Code 651-654.

1) Rulemaking:

A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation and maintenance of public water supplies and to facilitate the permitting process.

B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

C) Scheduled meeting/hearing dates: The IEPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: December 1, 1999

E) Affect on small businesses, small municipalities and not for profit corporations: These amendments will generally benefit small businesses, small municipalities and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting



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requirements.

F) Agency contact person for information:
Name: Lou Allyn Byus
Field Operations Section
Division of Public water Supplies
Bureau of Water
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-785-8653

G) Related rulemaking and other pertinent information: None

i) Part(s) (Heading and Code Citation): Operator Certification, 35 Ill. Adm. Code 680.

1) Rulemaking:

A) Description: EPA is preparing a rulemaking proposal to amend 35 Ill. Adm. Code 680 to incorporate operator certification requirements for public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA).

B) Statutory Authority: Implementing and authorized by Section 10 of the Public Water Supply Operations Act [415 ILCS 45/10].

C) Scheduled meeting/hearing dates: The IEPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: August 1, 1999.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois by requiring additional minimum standards for certification and recertification of operators.

F) Agency contact person for information:
Name: Barb Liebman
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
Address: 1021 North Grand Avenue East

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P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-785-0561

G) Related rulemaking and other pertinent information: None



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a) Part(s) (Heading and Code Citation): Advertising and Sales Promotion of Life Insurance and Annuities, Part 909

1) Rulemaking:

A) Description: This Part will be amended to make its requirements consistent with statutory provisions found in Section 2a of the Illinois Funeral or Burial Fund Act [225 ILCS 45/2a].

B) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426 and 502].

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: November 1999

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Betty Jo Teer
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 785-7349

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Variable Contract Rule, Part 1451

1) Rulemaking:

A) Description: Section 1451.51 will be amended to eliminate the need for insurance companies to file their variable contract prospectus with the Department.

B) Statutory Authority: Implementing Article XIV 1/2 and authorized by Sections 245.24 and 401 of the Illinois Insurance Code [215 ILCS 5/245.21 through 245.60 and 401].

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C) Schedule meeting/hearing date: No meetings or hearing dates have been scheduled.

D) Date agency anticipates First Notice: November 1999

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Chuck Budinger
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-4572

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): General Provisions, Part 2500; Fees and Charges, Part 2505; Annual Privilege Tax, Part 2510; Annual Retaliatory Tax, Part 2515; Annual State Fire Marshal Tax, Part 2520; and Overpayments, Refunds, Amendments and Penalties, Part 2525

1) Rulemaking:

A) Description: Each of these rules will be opened to provide further clarification of the Department's regulatory intent and there will also be some cleanup and consistency changes made while these rules are open for amendment.

B) Statutory Authority: All of these amendments are authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Schedule meeting/hearing date: No meeting or hearing dates have been scheduled.

D) Date agency anticipates First Notice: September 1999

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:



DEPARTMENT OF INSURANCE

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Name: Chuck Feinen
Staff Attorney
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-2867

G) Related rulemakings and other pertinent information: Please see (c) above.

d) Part(s) (Heading and Code Citation): Pre-Licensing and Continuing Education, Part 3119

1) Rulemaking:

A) Description: This Part will be amended to implement SB 363. Insurance producer licenses will be renewed in 2 year cycles as opposed to annually, and the current 15 hours of continuing education requirement will be increased to 30 hours running also with the two year licensure requirement. In addition to these substantive changes, the Department will also be doing some cleanup and consistency revisions.

B) Statutory Authority: Implementing SB 363, Section 494.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401 and 494.1].

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: November 1999

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect insurance producers.

F) Agency contact person for information:

Name: Ron Hartsock
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 785-2263

G) Related rulemakings and other pertinent information: None

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a) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

A) Description: Existing 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). After an extensive review of these rules, the Board, on October 3, 1996, adopted a proposal for public comment and hearing, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules.

B) Statutory authority: Implementing and authorized by Sections 26 and 28 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/26, 28].

C) Scheduled meeting/hearing dates: The Board originally established a period through December 15, 1996, to allow interested persons to comment on the prospective changes to the Board's procedural rules. On December 10, 1996, the Board extended the public comment period to January 10, 1997. The Board has not scheduled any public hearings in this matter to date.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Summer of 1999.

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding. These proceedings include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local government decisions concerning siting of pollution control facilities; and any other actions provided for in the Act.

F) Agency contact person for information: Address written comments



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concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Carol Sudman
Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
217-524-8509
Internet: csudman@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No presently known proceedings would affect the general provisions of Parts 101 through 106 or 120.

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) Parts (Headings and Code Citations): Permits and General Provisions (35 Ill. Adm. Code 201)

1) Rulemaking: No docket number presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal regarding the transfer of permits to new owners and the permitting of portable emission units. This rulemaking will address the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. Additionally, the proposed rule will address the permitting of emission units that are portable and may emit pollutants at multiple sites.

B) Statutory authority: Implementing and authorized by Sections 10 and 27 of the Act [415 ILCS 5/10, 27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal with the Board in the Summer of 1999. The IEPA may file two separate rulemaking

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proposals, one for portable emission units and one for changes of ownership. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rule may affect any small business, small municipality, or not-for-profit corporation that purchases a FESOP-permitted source or owns or operates a portable emission unit.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The prospective rulemaking (see item (f) below) and other, as yet unknown, unrelated Board proceedings could impact Part 201.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

c) Parts (Headings and Code Citations): Vehicle Scrappage (35 Ill. Adm. Code 207)

1) Rulemaking: No docket number presently reserved.



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A) Description: The IEPA is preparing a regulatory proposal for submission to the Board. The prospective amendments would augment the Emissions Reduction Market System in the Chicago non-attainment area, defining creditable emissions reductions through a vehicle scrappage program. The proposal would include requirements for sponsoring entities to augment allocation of allotted trading units under 35 Ill. Adm. Code 205 through the purchase and scrappage of older, high emissions vehicles.

B) Statutory authority: Implementing and authorized by Section 13B-30(e) of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-30(e)] and Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in Summer of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings in affected areas of the State, as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that elects to participate in the vehicle scrappage program, which would be voluntary.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 207.

If you have any questions concerning development of the IEPA proposal, please contact the following IEPA attorney:

POLLUTION CONTROL BOARD

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Bonnie R. Sawyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

d) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R00-1

A) Description: Section 9.1(e) of the Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R00-1 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 1999, through June 30, 1999. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 1999. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R00-1, as unnecessary and appropriate.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 1999, the due date for Board adoption would be January 1, 2000.



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B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Act [415 ILCS 5/7.2, 9.1(e), 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (CAA) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2000, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-October 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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312-814-6924
Internet: mmccambr@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Another prospective proceeding (see items (d) and (e) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR). Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

e) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitation for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois rules for the 15% Rate of Progress (ROP) Plan rulemakings required pursuant to Section 182(b)(1) of the CAA: (1) The rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language. The rulemaking is intended to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings. (2) The rulemaking may include amendments to existing rules for volatile organic liquid storage tanks. (3) The rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchloroethylene was delisted as a VOM by USEPA. (4) The rulemaking may amend existing rules for capture efficiency testing. This rulemaking is intended to make State rules consistent with USEPA's final rule on the revised capture efficiency test methods. (5) The rulemaking may correct minor or



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nonsubstantive errors in previous 15% ROP Plan rulemakings, amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems. (6) The rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Act [415 ILCS 5/9.8, 27, 28.2, 28.5].

C) Scheduled meeting/hearing dates: A Fall 1999 IEPA submittal to the Board of the proposal is expected. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

D) Date agency anticipates First Notice: A Fall 1999 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: The reserved identical-in-substance definition of VOM update docket, R00-1 (see item (d) above), and other as yet unknown proceedings could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

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Deborah Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

f) Parts (Headings and Code Citations): Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

1) Rulemaking: No docket number presently assigned.

A) Description: The IEPA has been engaged in the process of developing a proposal to reduce nitrogen oxides (NOx) emissions statewide to address ozone levels. This proposal may include the following: control of large NOx stationary sources, specifically, boilers and turbines serving electric generator units greater than 25 megawatts, and boilers, and turbines with head input greater than 250 mmBtu/hr; large cement kilns with ozone season emissions greater than 1 ton; and large internal combustion engines. The proposal may also include emission rate limits for ozone season emissions greater than 1 ton or may include trading based control measures. The Agency may also propose revisions to 35 Ill. Adm. Code 201 concerning continuous emissions monitoring and 35 Ill. Adm. Code 211 concerning definitions.

B) Statutory authority: Implementing and authorized by Sections 9.9, 27, and 28.5 of the Act [415 ILCS 5/9.9, 27, 28.5].

C) Scheduled meetings/hearing dates: IEPA submittal of a proposal to the Board will commence this proceeding. No firm submittal date has been established, but submittal may occur in Winter, 1999. No hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Act for those rulemakings required under the federal CAA.

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*. No submittal date has been established.

E) Effect on any small businesses, small municipalities, or not-for-profit corporations: This rule would affect any small business, municipality, or not-for-profit corporation that owns or



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operates a large stationary source that emits NOx.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Part 217.

The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

g) Parts (Headings and Code Citations): Nonmethane Organic Emissions (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing proposed regulatory amendments for submission to the Board. The prospective amendments would reflect that modifications at a municipal solid waste landfill (MSWL) due to Resource Conservation and Recovery Act (RCRA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements are not considered construction or modification. The proposal would also reflect that while the IEPA can approve testing requirements different from those prescribed in the test method, USEPA has reserved the authority to approve alternate test methods. In addition, the proposal would correct several typographical errors.

B) Statutory authority: Implementing and authorized by Sections 4, 9.1, 27, and 28.5 of the Act [415 ILCS 5/4, 9.1, 27, and 28.5].

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C) Scheduled meetings/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28.5 of the Act [415 ILCS 5/27, 28.5].

D) Date agency anticipates First Notice: A Summer 1999 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a MSWL.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 220.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Alec Messina
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

h) Parts (Headings and Code Citations): Toxic Air Contaminants (35 Ill. Adm. Code 232)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is examining the need for regulatory amendments for submission to the Board. The prospective



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amendments would reflect requirements for lead-based paint removal.

B) Statutory authority: Implementing and authorized by Sections 9.5, 10 and 27 of the Act [415 ILCS 5/9.5, 10 and 27].

C) Scheduled meetings/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: No firm submittal date is established, but submittal could occur in the Winter of 1999. An IEPA submittal to the Board will cause publication of a Notice of Proposed Amendments in the *inois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 232.

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Angela Tin
Illinois Environmental Protection Agency
Environmental Policy
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

i) Part(s) Heading(s) and Code Citation(s): Mobile Sources (35 Ill. Adm.

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Code 240)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA and its vehicle emissions test contractor began Enhanced Vehicle Inspection and Maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act [42 USC 7401 et seq.] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-1 et seq.]. The Board has recently adopted amendments to Part 240 which provide the necessary standards for Enhanced I/M testing to begin. However, the IEPA believes that certain clarifications will be needed to the Part 240 rules to insure consistency with Agency procedural rules contained at 35 Ill. Adm. Code 276. A specific element of this rulemaking is anticipated to be amendments to "fast-pass" exhaust emissions standards contained in Part 240.

B) Statutory authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28], possibly in Summer or Fall 1999.

D) Date agency anticipates First Notice: A Summer or Fall 1999 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us



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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 240.

j) Parts (Headings and Code Citations): Nondegradation (35 Ill. Adm. Code 302)

1) Rulemaking: No docket present reserved.

A) Description: This regulation would address the general requirement in Section 302.105 that existing water quality must be protected from unnecessary degradation. The proposed amendment would update the narrative water quality standard to comply with the requirements of the federal antidegradation regulations codified as 40 CFR 131.12.

B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Act [415 ILCS 5/11, 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in the Summer of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that holds or seeks a permit to directly or indirectly discharge pollutants to the

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waters of this state subject to an NPDES permit.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact Part 302.

For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Toby Frevert
Illinois Environmental Protection Agency
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-1654

k) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

Pretreatment Programs (35 Ill. Adm. Code 310)

l) Rulemaking: Docket number R00-7

A) Description: Section 13.3 of the Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the USEPA.

The Board has reserved docket number R00-7 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 1999 through June 30, 1999. At this time, the Board is aware that USEPA undertook four actions that affected the text of 40 CFR 400 through 499 and its implementation. These actions, together with a brief description of each, are as follows:



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|---|---|
| 64 Fed. Reg. 10391 (March 4, 1999) | USEPA adopted corrections to its September 21, 1998 (63 Fed. Reg. 50388) amendments to the wastewater pretreatment standards for the pharmaceutical manufacturing industry sector. (The Board included these corrections in docket R99-17 that considered the original September 21, 1998 action.) |
| 64 Fed. Reg. 13053 (March 16, 1999) | USEPA corrected its March 3, 1999 corrections to the September 21, 1998 pharmaceutical manufacturing industry sector amendments. (The Board should include these corrections in the final adoption of docket R99-17 that considers the original September 21, 1998 action.) |
| 64 Fed. Reg. 26315 (May 14, 1999) | USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations. (The Board must update the version of 40 C.F.R. incorporated by reference for the purposes of the wastewater pretreatment rules.) |
| 64 Fed. Reg. 30417 (June 8, 1999) | USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act. (The Board should include corresponding amendments to the Illinois rules, including an update to the version of 40 C.F.R. incorporated by reference for the purposes of the wastewater pretreatment rules.) |

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 1999. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

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Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is May 14, 1999, the due date for Board adoption of all amendments in the period would be May 14, 2000.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Act [415 ILCS 5/7.2, 13, 13.3, 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be May 14, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register*. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-7, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-7, as follows:



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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Act provides that Title VII of the Act and Section 5 of the APA [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

1) Parts (Headings and Code Citations): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket number presently reserved.

A) Description: The IEPA is currently preparing a rulemaking proposal for filing with the Board regarding pollutant limits, pathogen reduction and vector control measures applicable to sludge that is land applied.

B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Act [415 ILCS 5/11, 27]

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Winter of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Winter of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit

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corporation: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: Proposed amendments to the IEPA's rules, "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, involve related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Lisa Moreno
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

Interested persons may also contact the following IEPA representatives about its prospective rulemaking proposal:

S. Alan Keller, P. E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-0810

m) Parts (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)



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Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503) Implementation Program (35 Ill. Adm. Code 504)

1) Rulemaking: Docket number R98-11

A) Description: The Livestock Management Facilities Act (Livestock Act) (516 ILCS 77), effective May 21, 1996, sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The Livestock Act also directs that the Board adopt rules for the implementation of the Livestock Act within six months after the Department of Agriculture filed proposed rules with the Board. On May 15, 1997, the Board adopted such rules for implementation by the Department of Agriculture. See 35 Ill. Adm. Code 506. In so doing, the Board noted that it already had regulations specific to livestock waste management facilities and that any inconsistencies between these two sets of rules should be reconciled. Accordingly, the Board opened this rulemaking on September 4, 1997, to identify and reconcile any inconsistencies between the Board regulations adopted to implement the Livestock Act and previously existing regulations concerning agricultural-related pollution adopted by the Board (35 Ill. Adm. Code 501 through 504). Since the opening of this rulemaking docket, however, Public Act 90-565 was signed into law which again amended the Livestock Act. Since Part 506 will need to be amended to incorporate the recent amendments to the Livestock Act, the Board on January 22, 1998, entered an order staying this rulemaking until the amendments to Part 506 are completed.

B) Statutory authority: Implementing and authorized by Sections 9, 13, 22, and 27 of the Act [415 ILCS 5/9, 13, 22, 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the *Illinois Register* in the Winter of 1999.

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or associated waste handling structures.

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F) ~~gency contact person for information~~: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 S. Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509
Internet: csudman@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: Rulemaking R98-26 (see item (n) below) and other, as yet unknown, proceedings could impact the provisions of associated 35 Ill. Adm. Code 506. No other presently-known proceeding would impact 35 Ill. Adm. Code 501 through 504.

n) Parts (Headings and Code Citations): Livestock Waste Regulations (35 Ill. Adm. Code 506)

1) Rulemaking: Docket number R98-26

A) Description: The Livestock Act (516 ILCS 77), effective May 21, 1996, sets forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated waste handling structures. The Livestock Act also directs that the Board adopt rules for the implementation of the Livestock Act within six months after the Department of Agriculture filed proposed rules with the Board. On May 15, 1997, the Board adopted such rules for implementation by the Department of Agriculture. See 35 Ill. Adm. Code 506. Since adoption of those rules, the legislature amended the Livestock Act. See e.g., Public Act 90-565 (effective January 2, 1998). The Board opened this rulemaking on January 22, 1998, to request the Department of Agriculture to file a rulemaking proposal to incorporate and implement the amendments to the Livestock Act into the Board's regulations at 35 Ill. Adm. Code 506. To date, no proposal has been filed by the Department of Agriculture with the Board.



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B) Statutory authority: Implementing and authorized by Section 55 of the Livestock Management Facilities Act [510 ILCS 77/55] and Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: A Department of Agriculture submittal of a proposal to the Board will commence the proceeding. No firm submittal date has been established, but submittal may occur in Winter of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or associated waste handling structures.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-26, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-26, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 S. Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509
Internet: csudman@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: Pending rulemaking R98-11 (see item (m) above) could impact the provisions of associated 35 Ill. Adm. Code 501 through 504. No other presently-known proceeding would affect 35 Ill. Adm. Code 506.

o) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 602)

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1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing a rulemaking proposal for filing with the Board to establish criteria for the design, operation, and maintenance of public watersupplies (PWSs), and rules to facilitate the permitting process.

B) Statutory authority: Implementing and authorized by Sections 17 and 27 of the Act [415 ILCS 5/17, 5/27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Fall of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Fall of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a public water supply. This rulemaking will generally benefit these entities by clarifying the requirements for facility operations and permits. The new rules may also impose additional reporting requirements on the subject facilities.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Part 602.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Lou Allyn Byus



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Assistant Manager, Field Operations Services Section
Illinois Environmental Protection Agency
Division of Public Water Supplies
Bureau of Water
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

p) Part(s) (Heading and Code Citation): System Capacity Standards (35 Ill. Adm. Code 606)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing a rulemaking proposal for filing with the Board to add 35 Ill. Adm. Code 606 to incorporate technical, financial, and managerial requirements for new PWSs. The proposed new rules are required by the 1996 federal amendments to the Safe Drinking Water Act (SDWA).

Public Act 90-773, effective August 14, 1998, inter alia, amended Sections 15 and 18 of the Act [415 ILCS 5/15, 18] to require that any new PWS have the technical, financial, and managerial capacity to meet federal and State drinking water regulations.

B) Statutory authority: Implementing and authorized by Sections 15 and 27 of the Act [415 ILCS 5/15, 27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Fall of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Fall of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation to the extent the affected entity (1) owns or operates a new "public water supply", as defined by Section 3.28 of the Act (i.e., it has at least fifteen service connections or regularly serves an average

of at least 25 individuals daily at least 60 days out of the year) established after October 1, 1999, or (2) it is assisting a new public water supply to demonstrate compliance.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of these proposed rules.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

q) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R00-2

A) Description: Section 17.5 of the Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal SDWA primary drinking water regulations.

The Board has reserved docket number R00-2 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that USEPA may make in the period January 1, 1999, through June 30, 1999. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 141 through 143. This actions, together with a brief description, is as follows:



| | |
|---|---|
| 64 Fed. Reg. 1493 (January 8, 1999) | USEPA suspended the monitoring requirements for unregulated contaminants. This is a segment of the federal rules that has not been incorporated into the Illinois rules, so no Board action is likely necessary. |

Although the Board has not yet verified whether this listed federal action will actually require amendments to the Illinois SDWA drinking water regulations, we note that the monitoring requirements for unregulated contaminants is a transient provision requiring monitoring for unregulated contaminants for a temporary time. Since it is a transient provision, the Board never incorporated it into the Illinois primary drinking water rules. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 1999. The Board will then propose corresponding amendments to the Illinois SDWA drinking water regulations using the identical-in-substance procedure or dismiss docket R00-2, as unnecessary and appropriate.

Section 17.5 mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 8, 1999, the due date for Board adoption of all amendments in the period would be January 8, 2000.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Act [415 ILCS 5/17, 17.5, 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannct project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2000, the Board will vote to propose amendments and cause a Notice of

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Proposed Amendments to appear in the *Illinois Register* by early-October 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity owns or operates a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-2, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: Pending docket R97-30 (see item (r) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.
Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

r) Parts (Headings and Code Citations): Primary Drinking Water Standards (35



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Ill. Adm. Code 611)

1) Rulemaking: R97-30

A) Description: On June 19, 1997, the Board accepted a proposal filed June 2, 1997 by the Illinois Environmental Protection Agency (IEPA). The IEPA proposal seeks to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules proposed as 35 Ill. Adm. Code 186. A Notice of Proposed Rules for the IEPA Part 186 lab accreditation rule was published in the Illinois Register on June 13, 1997 (21 Ill. Reg. 6979), and adopted at 22 Ill. Reg. 5546, effective March 4, 1998. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection Agency's (IEPA's) newly adopted laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory authority: Implementing and authorized by Sections 17, 27, and 28 of Act [415 ILCS 5/17, 27, 28].

C) Scheduled meeting/hearing dates: The IEPA is preparing an amended proposal and supporting testimony that it presently anticipates filing in the Winter of 1999. The Board will conduct at least two public hearings in separate areas of the State on the prospective amendments to Part 611 in accordance with the requirements of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal is expected in the Winter of 1999, after which time the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a "public water supply", as defined by Section 3.28 of the Act (i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year) or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not

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likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-30, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-30, rulemaking as follows:

Amy Jackson, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
217-524-8507
Internet: ajackson@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: The presently-reserved routine identical-in-substance update docket, R00-2 (see item (q) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Part 611.

Interested persons may contact the IEPA about the content and timing of its submission of an amended rulemaking proposal as follows:

Joey Logan-Wilkey
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

s) Part(s) (Heading and Code Citation): Regulated Recharge Areas (35 Ill. Adm. Code 617)

1) Rulemaking: No docket presently reserved.



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A) Description: The IEPA is preparing a rulemaking proposal for filing before the Board that would establish a regulated recharge area for the Pleasant Valley Public Water District. This new Subpart would prescribe the requirements and standards for the protection of the Pleasant Valley Public Water District for certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area boundary delineated in the amendments.

B) Statutory authority: Implementing and authorized by Sections 17.4 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/17.4, 27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Summer of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in certain activities in the area affected by the proposed rulemaking. These entities may be affected by contingency planning requirements, and they may have constraints imposed on any expansion of activities that are hazardous to the groundwater protected by the regulated recharge area established in this proceeding.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Part 617.

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In preparing the proposal, the IEPA has held a public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. Public comments on the proposal were received. On June 7, 1996, a workshop was held on the proposal. The IEPA has not set dates for further meetings.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Illinois Environmental Protection Agency
Division of Public Water Supplies
Bureau of Water
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

t) Part(s) (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing a rulemaking proposal for filing with the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in Subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the wells of the Illinois American Water Company, Peoria.

B) Statutory authority: Implementing and authorized by Sections 14.3 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3, 27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Summer of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].



POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Summer of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in certain activities in the affected area by having constraints imposed on new activities to be located within the maximum setback zone.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Part 618.

In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new additional meetings are scheduled at this time.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Illinois Environmental Protection Agency
Division of Public Water Supplies
Bureau of Water
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

u) Part(s) (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

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1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is considering filing a rulemaking proposal before the Board. The proposal would amend Section 620.505 of the groundwater quality regulations in response to an interpretation of that Section by the appellate court in People v. Stonehedge (May 22, 1997), 288 Ill. App. 3d 318, 680 N.E.2d 497. Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would expand those circumstances to include instances in which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of a greater number of sampling points.

B) Statutory authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8] and Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Fall of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Fall of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the Illinois Register.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that engages in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



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312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Part 620.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Illinois Environmental Protection Agency
Division of Public Water Supplies
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

v) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R00-5

A) Description: Section 22.4(a) of the Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to reflect the USEPA amendments to the federal RCRA Subtitle C regulations. The Board has reserved docket number R00-5 to accommodate any

amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 1999, through June 30, 1999. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

| | |
|---|---|
| 64 Fed. Reg. 3381 (January 21, 1999) | USEPA adopted clarifying and corrective amendments to the Subpart CC organic material emission rules applicable to hazardous waste tanks, containers, and surface impoundments. |
| 64 Fed Reg. 6806 (February 11, 1999) | USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste. (The Board incorporated these amendments into update docket R99-15, so that no further action will be necessary.) |
| 64 Fed. Reg. 25407 (May 11, 1999) | USEPA adopted corrections and clarifications to several of its Phase IV rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332 administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409 emergency amendment of the carbamate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners. (The Board included most, but not all, of these corrections in the final adoption of docket R99-15 that considered the original actions.) |
| 64 Fed. Reg. 26315 (May 14, 1999) | USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations. |
| 64 Fed. Reg. 30417 (June 8, 1999) | USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act. (The Board should include corresponding amendments to the Illinois rules, including an update to the version of 40 C.F.R. incorporated by reference for the purposes of the hazardous waste rules.) |



The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 1999. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 21, 1999, the due date for Board adoption of all amendments in the period would be January 21, 2000.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Act [415 ILCS 5/7.2, 22.4(a), 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 21, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-September 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in

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the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The reserved UIC update docket R00-3 (see item (w) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

w) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R00-3



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A) Description: Section 13(c) of the Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the USEPA UIC regulations.
The Board has reserved docket number R00-3 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 1999, through June 30, 1999. At this time, the Board is not aware of any federal amendments to the federal UIC rules. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 1999. The Board will then propose corresponding amendments to the Illinois UIC rules using the identical-in-substance procedure or dismiss docket R00-3, as unnecessary and appropriate.

Section 13(c) of the Act mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 1, 1999, the due date for Board adoption of all amendments in the period would be January 1, 2000.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Act [415 ILCS 5/7.2, 13(c), 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-October 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground

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injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R00-5, and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738.

Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

x) Parts (Headings and Code Citations): Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

1) Rulemaking: No docket number presently reserved.

A) Description: The IEPA is presently preparing a rulemaking proposal for submittal before the Board. The prospective amendments would omit the present requirement that hazardous waste generators submit copies of hazardous waste manifests to the Agency.

B) Statutory authority: Implementing and authorized by Sections



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22.4(b) and 27 of the Act [415 ILCS 5/22.4(b), 27].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Winter of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Winter of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that engages in the generation, transportation, or treatment. storage, or disposal of hazardous waste in such a way that subjects that entity to the hazardous waste manifest requirements. The prospective amendments would constitute a relaxation of existing requirements.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: The reserved identical-in-substance update docket R00-5 (see item (v) above) and other as yet unknown proceedings could affect the text of Part 722.

For information regarding the development of these amendments please contact the following IEPA attorney:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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y) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R00-6

A) Description: Section 22.4(d) of the Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the USEPA UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R00-6 to accommodate any amendments to the 40 CFR 281 through 283 that USEPA may make in the period January 1, 1999, through June 30, 1999. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 1999. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R00-6, as unnecessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 1999, the due date for Board adoption would be January 1, 2000.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Act [415 ILCS 5/7.2, 22.4(d), 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 1999, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-October 1999. This would be



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sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-6, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731.

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR). Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

z) Parts (Headings and Code Citations): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: No docket presently reserved.

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A) Description: The IEPA is currently preparing a rulemaking proposal regarding the leaking underground storage tank regulations. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the leaking underground storage tank, and tiered approach to corrective action programs (see items (bb) and (cc) below.)

B) Statutory authority: Implementing and authorized by Sections 27 and 57.14 Act [415 ILCS 5/27, 57.14].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Fall of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Fall of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the Illinois Register.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a petroleum underground storage tank system for which a release has been confirmed and that is required to be reported to Illinois Emergency Management Agency on or after September 23, 1994 in accordance with regulations adopted by the Office of the State Fire Marshall.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact Part 732. The EPA has stated that it may propose related amendments to Part



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742 (see items (bb) and (cc) above).

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

aa) Parts (Headings and Code Citations): Permits for Recycling Facilities (35 Ill. Adm. Code 803))

1) Rulemaking: No docket number presently reserved.

A) Description: The IEPA is currently preparing a rulemaking proposal to establish permit requirements and operating standards for facilities that use waste-like materials in a recycling or reuse process. The part number may be changed before the rules are proposed.

B) Statutory authority: Implementing and authorized by Sections 22 and 27 of the Act [415 ILCS 5/22, 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in December, 1999, after which time the Board will cause of Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the recycling or reuse process.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen Crowley

POLLUTION CONTROL BOARD

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Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the provision of Part 803.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Susan Schroeder
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

bb) Parts (Headings and Code Citations): Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description: The Board adopted the Part 740 Site Remediation Program rules in June 1997. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the site remediation, the leaking underground storage tank, tiered approach to corrective action programs (see items (y) and (cc).)

B) Statutory authority: Implementing and authorized by Sections 27, 28 and 58 of the Act [415 ILCS 5/27, 28, 58].

C) Scheduled meeting/hearing dates: There are no meeting or hearing dates scheduled at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Act [415 ILCS 27, 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board is expected by September 1999, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit



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corporations: This rulemaking may affect small business, small municipality and not-for-profit corporation that performs environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to participate, the proposed amendments are not expected to make substantial changes to the existing program.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would impact Part 740. The IEPA has stated that it may propose related amendments to Parts 732 and 742 (see items (z) above and (cc) below).

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Mark Wight
Illinois Environmental Protection Agency
Bureau of Land
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

cc) Part(s) (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: No docket presently reserved.

A) Description: The Board adopted the Part 742 TACO rules in June 1997. Implementation since that time by the IEPA has demonstrated the need to amend, correct, and clarify various aspects of the rules. The purpose for amendment, correction, and clarification to existing rules is to ensure consistency in implementation of the leaking underground storage tank, site remediation, and TACO programs (see items (z) above and (bb) below).

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B) Statutory authority: Implementing and authorized by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].

C) Scheduled meeting/hearing dates: There are no meeting or hearing dates scheduled at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board is expected in September 1999, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that engages in voluntary corrective action under the tiered approach to corrective action program.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the general provisions of Part 742. The IEPA has stated that it may propose related amendments to the Parts 732 and 740 regulations in 1999 (see items (z) above and (bb) below).

For information regarding the IEPA's development of its proposals for amendments, please contact the following IEPA attorney:

Kimberly A. Geving
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

dd) Parts (Headings and Code Citations):



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Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R00-4

A) Description: Section 22.40(a) of the Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D MSWLF regulations to reflect the USEPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R00-4 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 1999, through June 30, 1999. At this time, the Board has determined that two federal actions have occurred during the update period:

| | |
|---|---|
| 64 Fed. Reg. 4311 (January 28, 1999) | USEPA adopted amendments to the October 23, 1998 (63 Fed. Reg. 57025) state implementation rule requirements for state nonhazarodus waste program authorization and for systems for state-granted permits or other prior approvals for nonhazardous waste landfills and for landfills accepting conditionally-exempt small-quantity generator waste. (The Board determined in update docket R99-14 that the October 23, 1998 state implementation requirements were outside the identical-in-substance mandate.) |
| 64 Fed. Reg. 30434 (June 8, 1999) | USEPA amended the procedure for adequacy review and approval of state programs for disposal of conditionally-exempt small quantity generator waste in non-municipal solid waste facilities and issued an adequacy determination for several states, including Illinois. (No Board action likely will be necessary based on this federal action.) |

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The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle D MSWLF regulations. The Board has not yet determined whether these are the only federal actions that affect the text of 40 CFR 258 and its implementation. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 1999. The Board will propose corresponding amendments to the RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure.

Section 22.40(a) of the Act mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R00-4, if the earliest federal amendments in the applicable period is assumed to have occurred on January 1, 1999, the nominal due date would be January 1, 2000.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Act [415 ILCS 5/7.2, 22.40(a), 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 1999, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 1999. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R00-4, as follows:



POLLUTION CONTROL BOARD

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Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R00-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: mmccambr@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: An as-yet-unfiled IEPA proposal described in item (cc) below, and other, as yet unknown, unrelated Board proceedings may affect the text of Part 807. No other presently-known proceedings would affect the text of Parts 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Act provides that Title VII of the Act and Section 5 of the APA shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ee) Parts (Headings and Code Citations): Solid Waste (35 Ill. Adm. Code 807)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is preparing a rulemaking proposal revising regulations addressing letters of credit to insure that financial assurance is not terminated or interrupted.

B) Statutory authority: Implementing and authorized by Sections 5, 21.1, 22, 27, and 28 of the Act [415 ILCS 5/5, 21.1, 22, 27, 28].

C) Scheduled meeting/hearing dates: The IEPA anticipates that it will file a rulemaking proposal in December of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

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D) Date Agency anticipates First Notice: The IEPA anticipates submitting its proposal to the Board in December of 1999, after which time the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that uses a letter of credit to fulfill financial assistance obligations.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: The reserved identical-in-substance update docket R00-4 (see item (bb) above) and an as-yet-unfiled IEPA proposal (see item (ff) below) and other as yet unknown proceedings could affect the text of Part 807.

For information regarding the development of these amendments please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

ff) Parts (Headings and Code Citations): Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

1) Rulemaking: Docket Number R97-27

A) Description: On March 4, 1997, the Illinois Cast Metals Association (ICMA) filed a proposal with the Board to amend 35 Ill. Adm. Code 817.101. Section 817.101 addresses the scope and applicability of Part 817, Requirements for New Steel and Foundry Industry Wastes Landfills. Generally, certain steel and foundry



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operations may opt to comply with the Part 817 requirements in lieu of disposing of their wastes as chemical waste in Part 811 landfills. Part 817 contains requirements for management and disposal of certain steel and foundry wastes that meet the waste classification criteria (maximum allowable leaching concentrations (MALCs)). ICMA proposes to expand the scope of Part 817 to allow certain nonferrous foundries the option of availing themselves of Part 817. Specifically, ICMA proposes to include the following among those wastes that may come within Part 817: non-putrescible wastes produced by nonferrous foundry processes covered by Standard Industrial Codes 3365 and 3366, with the exception of those foundries that pour leaded brass.

B) Statutory authority: Implementing and authorized by Sections 21, 22, 27, and 28 of the Act [415 ILCS 5/21, 22, 27, 28].

C) Scheduled meeting/hearing dates: The first hearing in this matter was held in Chicago, Illinois on June 2, 1997. The second hearing, originally scheduled to take place in Springfield, Illinois, was postponed several times at the request of ICMA and has not yet been rescheduled. The Board will conduct any hearing in accordance with the requirements of Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: As described above, the second hearing in this matter has been postponed several times and has not yet been rescheduled. Depending in part upon if and when the second hearing in this matter takes place, the Board may cause First Notice publication of a Notice of Proposed Amendments in Winter of 1999.

E) Effect on small business, small municipalities, or not-for-profit corporations: The amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates certain nonferrous foundries or certain steel and foundry industry waste landfills.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-27, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R97-27, as follows:

POLLUTION CONTROL BOARD

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Richard R. McGill, Jr., Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6983
Internet: rmcgill@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Part 817.

gg) Parts (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket number presently reserved.

A) Description: Since the Board rules were adopted on May 10, 1991, the IEPA's implementation of the rules has given rise to the need for some amendments and corrections to better implement the used and waste tire management program.

B) Statutory authority: Implementing and authorized by Sections 27 and 55.2 of the Act [415 ILCS 5/27, 55.2].

C) Scheduled meeting/hearing dates: The IEPA anticipates that it will file a rulemaking proposal in December of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The IEPA anticipates submitting its proposal to the Board in November of 1999, after which time the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601



POLLUTION CONTROL BOARD

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312-814-6924
Internet: kcrowley@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact Part 848.

For information regarding the IEPA development of this proposal, please contact the following IEPA attorney:

Kimberly A. Geving
Illinois Environmental Protection Agency
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

hh) Parts (Headings and Code Citations): Transfer/Storage Facility Regulations (35 Ill. Adm. Code 820)

1) Rulemaking: No docket presently reserved.

A) Description: Many waste storage facilities, including transfer stations, currently are regulated under the permit requirements of 35 Ill. Adm. Code 807. The Part 807 rules are very general, with many of the specific requirements for these storage facilities imposed through permit conditions under Section 807.206. The IEPA is considering the proposal of new rules that would provide a more specific listing of requirements for the design, construction and operation of these storage facilities as well as procedures for obtaining permits. The part number may be changed before the rules are proposed.

B) Statutory authority: Implementing and authorized by Sections 4(i), 22, 27, and 28 of the Act [415 ILCS 5/4 (i), 22, 27, 28].

C) Scheduled meeting/hearing dates: The IEPA anticipates that it will file a rulemaking proposal in December of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency anticipates First Notice: The IEPA anticipates submitting its proposal to the Board in December of 1999, after which time the Board will cause a Notice of Proposed Rules to

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appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that receives waste for storage prior to transfer or treatment. For those that do, the substantive changes in requirements for design, construction, and operation are expected to be minimal. The IEPA anticipates that the rules will codify with more specificity what already is being required under the more general requirements of 35 Ill. Adm. Code 807.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Internet: kcrowley@pcb084rl.state.il.us

G) Related rulemakings and other pertinent information: No presently-known proceedings would potentially impact Part 820.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Mark Wight
Illinois Environmental Protection Agency
Bureau of Land
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

ii) Parts (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 1420)
Activity Standards (35 Ill. Adm. Code 1421)
Design and Operation of Facilities (35 Ill. Adm. Code 1422)

l) Rulemaking: No docket presently reserved.

A) Description: 35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has



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identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

B) Statutory authority: Implementing and authorized by Sections 27 and 56.2(f) of the Act [415 ILCS 5/27, 56.2(f)].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in the Winter of 1999. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in the Winter of 1999, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that disposes PIMW. The IEPA anticipated that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they except household-generated medical waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

F) Agency contact person for information: Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6929
Internet: kcrowley@pcb084rl.state.il.us

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G) Related rulemakings and other pertinent information: No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Mark Wight
Illinois Environmental Protection Agency
Bureau of Land
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544



SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 6, 1999 through July 12, 1999 and have been scheduled for review by the Committee at its August 17, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|---|---|---|---|
| 8/20/99 | Department of Natural Resources, Surface Mined Land Conservation and Reclamation Act (62 Ill Adm Code 300) | 5/21/99 23 Ill Reg 6021 | 8/17/99 |
| 8/22/99 | Environmental Protection Agency, Alternate Fuels Program (35 Ill Adm Code 275) | 5/7/99 23 Ill Reg 5394 | 8/17/99 |
| 8/25/99 | State Employees' Retirement System, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540) | 5/28/99 23 Ill Reg 6414 | 8/17/99 |

Rules acted upon during the calender quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

**PROPOSED**
80-1600-30
89-153-30
92-1010-30

**ADOPTED**
17-130-30
17-750-30
17-810-30
17-950-30
17-3025-30
23-575-30
35-307-30
35-310-30
44-635R-30
44-655R-30
44-675R-30
44-685R-30
47-110-30
92-445-30

**EMERGENCY**
89-356-30

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JESSE WHITE
**SECRETARY OF STATE**
INDEX DEPARTMENT
111 E. MONROE
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